

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**



31 March 2021

Our Ref PCC - 12.04.2021  
Contact. Committee Services  
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To: Members of the Committee: Ruth Brown (Chair), Daniel Allen (Vice-Chair), Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Moody, Sue Ngwala, Sean Prendergast, Mike Rice and Tom Tyson

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

**NOTICE IS HEREBY GIVEN OF A**

**MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held as

**A VIRTUAL MEETING**

On

**MONDAY, 12TH APRIL, 2021 AT 7.30 PM**

Yours sincerely,

Jeanette Thompson  
Service Director – Legal and Community

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

## **Agenda**

### **Part I**

<b>Item</b>		<b>Page</b>
<b>1.</b>	<b>WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY</b> Members are requested to ensure that they are familiar with the attached summary of the Remote/Partly Remote Meetings Protocol. The full Remote/Partly Remote Meetings Protocol has been published and is available here: <a href="https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings">https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings</a> .	(Pages 5 - 6)
<b>2.</b>	<b>APOLOGIES FOR ABSENCE</b> 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.	
<b>3.</b>	<b>MINUTES - 18 MARCH 2021</b> To take as read and approve as a true record the minutes of the meeting of the Committee held on 18 March 2021.	(Pages 7 - 16)
<b>4.</b>	<b>NOTIFICATION OF OTHER BUSINESS</b> 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.	
<b>5.</b>	<b>CHAIR'S ANNOUNCEMENTS</b> 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.	
<b>6.</b>	<b>PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public.	

7. **20/00744/OP LAND OPPOSITE HEATH FARM, BRIARY LANE, ROYSTON, HERTFORDSHIRE** (Pages 17 - 92)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Outline planning application for up to 99 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point via the demolition of an existing property on Echo Hill (all matters to be reserved save access).
8. **19/00520/OP LAND BETWEEN CROFT LANE NORTON ROAD AND CASHIO LANE, LETCHWORTH GARDEN CITY, HERTFORDSHIRE** (Pages 93 - 128)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Outline planning application for residential development of up to 42 dwellings, all matters reserved but access (as amended by plans and information received 09-06-2020, 23-07-2020 and 10-12-2020).
9. **20/01098/FP THE BOOT, 73 HIGH STREET, BALDOCK, HERTFORDSHIRE, SG7 6BP** (Pages 129 - 144)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Two storey side extension, first floor rear and side extensions and change of use of building from Public House and three bedroom flat to C3 Residential to create 4no two bedroom flats and 2no one bedroom flats (as amended by plans received November 2020).
10. **PLANNING APPEALS**  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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## REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY

A protocol regarding remote meetings has been devised as a result of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 ('the Regulations') to provide guidance for the conduct of any remote meeting of the Council, and its various Committees and Sub-Committees, held under the provisions of the Regulations and subsequent changes to the Constitution.

The full Remote / Partly Remote Meetings Protocol has been published and is available to view on the Council's website via the following link: <https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings>

The Council's adopted Constitution will continue to apply to meetings of the Council and its various Committees and Sub-Committees. Where there is a conflict between the protocol and Constitution the Constitution takes precedence.

The protocol applies to this meeting. It outlines processes for conducting remote meetings. Some key points are highlighted here for guidance:

- Prior to the start of a meeting the Committee, Member and Scrutiny Officer/Manager ('The Officer') will confirm the meeting is being streamed live. They will confirm that they can see and hear all participating Members, Officers and/or members of the public at the start or upon reconvening a meeting.
- Any person attending the meeting remotely should join no later than 15 minutes prior to allow for technical checks. They should ensure that their name on screen appears in the agreed format, as indicated in the Protocol. They should mute their microphone when not speaking. Their background should be nondescript or virtual/blurred if possible. Headsets are recommended to reduce audio feedback.
- Remember to stay in view of the camera. While on camera everything you do is visible; please observe as far as possible the etiquette you would as if attending a meeting in person.
- Be careful to prevent exempt or confidential papers being seen within the video-feed. When a meeting is in private session there should be only those entitled to be present in the room. The live stream will continue with a holding card displayed.
- If a Member wishes to speak, they should use the raise hand function. Please wait to be invited by the Chair to address the meeting. The normal procedure rules with respect to debate and speaking times will apply as per the Constitution.
- If a Member has declared a Disclosable Pecuniary Interest and is required to leave the meeting during the consideration of an item, they will be placed in the waiting room. It is the responsibility of the Member in question to remind the Chair at the start of such item. The Officer will remind the Chair to return the Member as appropriate.
- Members will need to use the tools in the "Participants" function to vote: using a green tick to indicate 'for', a red cross to indicate 'against', or the "raise hand" tool to indicate an abstention. Where a Member has had to dial into the meeting by telephone, the Chair will ask for verbal confirmation as to how they wish to vote. Leave the vote in situ until told otherwise by either the Chair or Officer.
- The Officer will clearly state the result of the vote and the Chair will then move on.
- Details of how Members voted will not be kept or minuted unless a Recorded Vote is requested or an individual requests that their vote be recorded, although voting may be seen and/or heard on the video recording.
- If there are Part 2 (confidential) items Members will be invited to join a breakout room for these items. You must accept this invitation.
- Once Part 2 (confidential) discussions have concluded Members will need to leave the breakout room. Please do not leave the meeting.

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## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

**MEETING HELD AS A VIRTUAL MEETING  
ON THURSDAY, 18TH MARCH, 2021 AT 7.30 PM**

#### MINUTES

**Present:** *Councillors: Ruth Brown (Chair), Daniel Allen (Vice-Chair), Val Bryant, Mike Hughson, Tony Hunter, David Levett, Ian Moody, Sue Ngwala, Sean Prendergast, Mike Rice, Tom Tyson and Michael Muir (In place of Morgan Derbyshire)*

**In Attendance:** *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), Tom Allington (Principal Planning Officer – Strategic Sites), Nigel Smith (Strategic Planning Manager), Matthew Hepburn (Committee, Member and Scrutiny Officer) and William Edwards (Committee, Member and Scrutiny Officer)*

*Hertfordshire County Council Officers: Roger Taylor (Principal Engineer, Development Management), Russell Monck (Team Leader (West) Growth and Infrastructure Unit) Kate Ma (Senior Planning Officer - School Planning Team – Children's Services).*

**Also Present:** *At the commencement of the meeting approximately 22 members of the public. Councillor Richard Thake was in attendance as Member Advocate.*

#### **109 WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY**

*Audio Recording – 24 Seconds*

The Chair welcomed everyone to this virtual Planning Control Committee meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online.

There was also the opportunity for the public and press to listen to and view proceedings.

The Chair invited the Committee, Member and Scrutiny Officer to explain how proceedings would work and to confirm that Members and Officers were in attendance.

The Committee, Member and Scrutiny Officer undertook a roll call to ensure that all Members, Officers and registered speakers could hear and be heard and gave advice regarding the following:

The meeting was being streamed live onto YouTube and recorded via Zoom.

Extracts from the Remote/Partly Remote Meetings Protocol were included with the agenda and the full version was available on the Council's website which included information regarding:

- Live Streaming;
- Noise Interference;
- Rules of Debate;
- Part 2 Items.

Members were requested to ensure that they were familiar with the Protocol.

The Chair of the Planning Control Committee, Councillor Ruth Brown, started the meeting proper.

**110 APOLOGIES FOR ABSENCE**

*Audio Recording – 3 Minutes 45 Seconds*

Apologies for absence were received from Councillor Morgan Derbyshire.

Having given due notice, Councillor Michael Muir advised that he would be substituting for Councillor Morgan Derbyshire.

**111 MINUTES - 10 FEBRUARY 2021 - 24 FEBRUARY 2021**

*Audio Recording – 3 Minutes 54 Seconds*

**RESOLVED:**

- (1) That the Minutes of the Meeting of the Committee held on 10 February 2021 and 24 February 2021 be approved as a true record of the proceedings and be signed by the Chair; and
- (2) That, with the authorisation of the Chair, their electronic signature and initials be attached to the Minutes approved in (1) above.

**112 NOTIFICATION OF OTHER BUSINESS**

*Audio Recording – 4 Minutes 54 Seconds*

There was no other business notified.

**113 CHAIR'S ANNOUNCEMENTS**

*Audio Recording – 5 Minutes*

- (1) The Chair welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;



- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question;
- (4) To clarify matters for the registered speakers the Chair advised that members of the public had 10 minutes for each group of speakers i.e. 10 minutes for objectors and 10 minutes for supporters. This 10 minute time limit also applied to Member Advocates.

#### **114 PUBLIC PARTICIPATION**

*Audio Recording – 8 Minutes 17 Seconds*

The Chair confirmed that the registered speakers were present.

#### **115 18/02722/FP LAND SOUTH OF HEATH LANE, CODICOTE, HERTFORDSHIRE, SG4 8YL**

*Audio Recording – 8 Minutes 25 Seconds*

Residential development of 167 dwellings (Use Class C3) and associated works including formal open space, internal road network, landscape enhancement and creation of accesses from Heath Lane and St Albans Road; and the demolition of 66 St Albans Road (as amended by drawings received 1st and 6th November 2018, 17th and 18th December 2018 and 3rd April 2019).

Councillor Ian Moody declared that he was acting as Member Advocate on the item and would therefore not take part in the debate and vote.

Councillor Michael Muir sought legal advice from the Legal Regulatory Team Manager and Deputy Monitoring Officer in regards to this item. He explained that he was the Vice-Chair of the Development Committee at Hertfordshire County Council and he had voted at that Committee on the school expanding from 1 to 2 form entry.

The Legal Regulatory Team Manager and Deputy Monitoring Officer advised that the school expansion was not a matter for the Planning Control Committee and therefore, Councillor Muir was able to debate and vote on the item as there was no declarable interest.

The Principal Planning Officer – Strategic Sites introduced some additional Officers who were in attendance at the Committee to assist in answering questions. These were:

- Nigel Smith - Strategic Planning Manager;
- Roger Taylor – Principal Engineer, Development Management (HCC Highways);
- Russell Monck – Team Leader (West) Growth and Infrastructure Unit;
- Kate Ma – Senior Planning Officer (School Planning Team – Children's Services).

The Principal Planning Officer – Strategic Sites provided some updates to the report as follows:

- Paragraph 4.3.150 of the report - the Inspector's schedule of Further Main Modifications had been received on 10 March and these were put on the Council's website on 11 March;
- Consultation Responses – since the Committee Report was published, approximately 59 further public objections had been received, which included a further response from Codicote Parish Council, from Save Rural Codicote, together with a letter from Richard Buxton Solicitors on their behalf and second letter was received about three hours ago. In addition, a further letter of objection had been received from Stephen McPartland MP.

The matters raised in these additional objections were summarised in paragraphs 3.20 to 3.32 of the report;

- There was discrepancy within the report regarding the s106 contribution towards the upgrade and improvement of existing bus stops on the High Street. At paragraph 4.3.81 of the report it referred to the figure of £56,000, whereas the correct figure agreed was £76,000;
- With regards to an email Members received from the Herts and Middlesex Wildlife trust, the Officer had spoken with Herts Ecology. Herts Ecology recommended a further condition, to establish the presence, or not, of protected species before works commence on site. The Condition read as follows:

‘Prior to commencement of development, an ecological walkover survey shall be conducted to assess the potential for protected species such as reptiles, amphibians or badgers which may have moved onto the site, depending on its condition. Any necessary further surveys or works that may be needed to ensure such species are not harmed will be undertaken accordingly.

Reason: To ensure the development complies with the legal protection afforded to protected species, consistent with Policy NE6 of the emerging Local Plan.’

Once the updated had concluded, the Principal Planning Officer – Strategic Sites presented the report in respect of application 18/02722/FP supported by a visual presentation consisting of plans and photographs.

The following Members asked questions of the Principal Planning Officer:

- Councillor Sue Ngwala;
- Councillor Tom Tyson; and
- Councillor David Levett.

In response to questions raised, the Principal Planning Officer advised that:

- The proposed site plan illustrated the location of the 2 blocks of flats. These flats would be 2 storey and located towards the eastern end of the site;
- There was a large landscape buffer between the school and the flats; and
- Each application would be determined on its own merit and each site would need to be approved.

The Senior Planning Officer (School Planning Team – Children’s Services) responded to questions by advising that Hertfordshire County Council had taken the statutory duty to enlarge Codicote School and the County Council had underwritten funding the school expansion.

The Principal Engineer, Development Management (HCC Highways) responded to questions raised by advising that a approach speed and visibility display check had been carried out on Heath Lane and these were satisfactory.

The Senior Planning Officer (School Planning Team – Children’s Services) responded to a question raised by advising that at present, Codicote School was 1 form entry and there were mobile classrooms on the site. There was no more space for buildings to be put on the site. Planning permission would permit additional teaching buildings and as the playing field was being built on, a new one would need to be created.

Mr Steve Woodward, Save Rural Codicote, thanked the Chair for the opportunity to address the Committee in objection to the application, including:

- 98% of consultees disliked the North Herts Local Plan;
- The Heath Lane application had received nearly 300 objections from a village of 3400 people;
- The site had not been allocated in the local plan yet;
- As Green Belt land the 'very special circumstances' test needed to be applied before deciding to grant planning permission;
- This application remained premature;
- The correct tests could not yet be applied;
- There were no plans to expand the school unless the four development sites in Codicote were approved;
- The true number of houses being built was likely to be at least 470;
- Providing school places for 364 houses and then building 470 was not going to resolve the oversubscribed school problem; and
- The Council needed to abide by the Climate Emergency commitments;
- Allowing this application to proceed would set in train not just this site, but three other Green Belt sites in Codicote.

The Chair thanked Mr Woodward for his presentation.

Mr Chris Watts, Codicote Parish Council, was invited to address the Committee in objection to the application, including:

- It was morally unacceptable for the officers to put the application forward now ahead of the publication of the report of the Local Plan Examination;
- By approving the resolutions, it would allow for a large area of the Green Belt and open countryside around Codicote to be lost to a major built development of at least 167 dwellings;
- One of the offered 'very special circumstances' related to the ability of this site to provide for additional playing fields and school facilities to meet existing and future demands for education facilities;
- What would happen if the Inspector decided that site allocation CD5 did not meet the 'Exceptional circumstances' test, but which had been resolved to be approved under the 'very special circumstances' test by this Committee; and
- There would significant harm to Green Belt openness and loss of rural character here.

The following Members asked questions:

- Councillor David Levett.

In response to the question raised, Mr Watts advised that the email he referred to in his presentation was dated 19 February 2019.

Councillor Ian Moody, Member Advocate, thanked the Chair for the opportunity to address the Committee in objection to the application, including:

- The village strongly objected to the Council addressing this application in advance of the Inspector's ruling on whether Green Belt developments, as proposed in the emerging Local Plan, do in fact constitute an Exceptional Circumstance;
- The purpose of the Green Belt was to act as a buffer between settlements and prevent urban sprawl. Development on Green Belt was only permissible as a last resort in an Exceptional Circumstance;

- The Council may be proposing to use legal slight of hand to side-step the 'demonstration of Exceptional Circumstances' condition by using the alternative 'very special circumstances', without presenting supporting evidence;
- No Exceptional Circumstances existed to justify release of this site for such a large green belt housing development;
- The school had confirmed that it was not pushing for expansion, but was content to continue to function successfully whatever the outcome; and
- Councillors voted to commit to doing everything in their power to reduce carbon emissions in the District. To approve an enormous Green Belt development such as CD5 (most likely followed by three others, CD1, CD2 and CD3) before the Local Plan had been ratified, would be an abdication of those promised 'green' commitments.

Councillor Richard Thake, Member Advocate, thanked the Chair for the opportunity to attend the Committee in objection to the application. He advised that he supported what Councillor Ian Mood had said.

The following Members asked questions:

- Councillor Sue Ngwala;
- Councillor Tom Tyson; and
- Councillor Michael Muir.

In response to questions raised, Councillor Richard Thake advised:

- The playground was for the school;
- It was not in the County Council's capacity to second guess the local plan;
- Hertfordshire County Council and NHDC could not demand s106 contributions from developers that were not on the table;
- The Committee needed to wait for the Inspector's report;
- The application had to be dealt with otherwise the applicant could appeal on grounds of non-determination;
- The County Council were a commissioner of school places. The County was obliged to provide school places. However if there were to be no capacity locally, children would have travel out of the area to go to school.

The Principal Planning Officer responded to points raised:

- There were 2 different tests. Paragraph 144 of the NPPF applied to this site; and
- The 'very special circumstances' were met on this site owing to the cumulation of several key aspects.

In order to assist further with questions surrounding 'exceptional circumstances' and 'very special circumstances', the Strategic Planning Manager advised as follows:

- 'Very special circumstances' was a stricter test than the 'exceptional circumstances' test;
- 'Very special circumstances' allowed for development in the green belt; and
- 'Exceptional circumstances' removed land from the green belt.

In response to questions raised regarding the oversubscription of the school, the Team Leader (West) Growth and Infrastructure Unit advised as follows:

- For strategic planning reasons, 1 form of entry is used per 500 units;
- One of the measures used to estimate child yield was using a demographic model;
- From the report, it was estimated that there would be around 0.7 – 0.8 forms of entry from the developments proposed;
- 370 units were modelled; and
- Around 0.8 forms of entry would be generated from 370 units. This estimation was a best guess.

Councillor Ian Moody responded that the school was already oversubscribed by 0.4. Ms Sophie Stocker, CBRE Ltd, and Ms Tracy Puttock, Planning Manager at Ashill, thanked the Chair for the opportunity to address the Committee in support of the application.

Ms Puttock addressed the Committee first:

- They had been working with North Herts and County Council for over 7 years to bring this site forward;
- The submission of their application back in 2018 was as a result of the closing of the Local Plan Examination and a need from the County Council for the land required to support the expansion of Codicote Primary School which had been oversubscribed for a number of years;
- Each site was individually designed to suit the characteristics of the area;
- They wish to create bespoke, high quality developments;
- They spent an afternoon with the Parish Council walking around the village and discussing the local vernacular;
- Local concerns about development in the Green Belt was understood;
- There was an ever pressing need from the County Council to have the land for the school to ensure that existing children from the village could attend;
- They listened to the concerns raised by locals and withdrew the application in November to allow the further hearing sessions to conclude and for the Inspector to report back on key issues;
- The school land was needed to address an existing capacity issue;
- Providing the school with land enabled a permanent solution to the existing problem for school places, and was an important part of the Very Special Circumstances; and
- Alongside donating the land to the County council, they were making a significant financial contribution towards the schools physical expansion, as well as providing contributions to local infrastructure.

Ms Stocker then addressed the Committee:

- They had submitted a planning application on behalf of Ashill who were seeking to deliver housing and, also, donate a portion of the site to the County Council to enable a long held ambition for Codicote Primary School to expand from a 1 form to a 2 form entry school;
- There had been exceptional delays to the Local Plan process, which had unfortunately resulted in a shortage of housing in the district and a critical capacity issue for the school;
- The very special circumstance was that the development of this site enabled land to be donated to facilitate the permanent expansion of the Primary School, to resolve existing and future supply issues;

- The second point contributing to the site's very special circumstances was that, the council could currently only demonstrate 2.2 years of housing supply as outlined in the Council's statement from April 2020; and
- The proposals delivered 67 units of affordable housing for Codicote. This was of particular importance in the village, where no affordable housing had been built since 2007.

The following Members asked questions:

- Councillor Ruth Brown;
- Councillor David Levett; and
- Councillor Sue Ngwala.

In response to questions raised, Ms Puttock advised:

- There was social rent housings on the site;
- When the application was withdrawn in November, an extension of time was agreed to February;
- The timings were also influenced by the school for the land to be transferred over;
- Ashill specialised in brownfield sites. However, planning had changed over the years;
- There was a need for housing in the District.

In response to questions, the Principal Planning Officer advised that there were long lead out times for a school expansion and it was already tight to get the school ready for September 2022. This was the reason behind the application being brought before the Committee this evening.

The Senior Planning Officer (School Planning Team – Children's Services) added that in relation to the timings, the programme for expanding the school was tight as it needed to be ready for the start of the academic year which would be September 2022.

The Principal Planning Officer responded to the point made relating to the main modifications by stating that the 9 modifications affecting Codicote were minor and they would not be changed if the application were to be granted.

The Principal Planning Officer responded to the point made relating to the very special circumstances by advising that the school expansion made up one aspect of the circumstance.

*NB: The Chair called for a comfort break at 21:24 prior to the commencement of the debate. Councillors Moody and Thake left the meeting.*

*NB: The Committee resumed at 21:31.*

Councillor Daniel Allen sought advice from the Officers regarding what would happen if the application were to be deferred.

In response, Councillor Daniel Allen was informed that the applicant could apply again once the local plan had been adopted and a new report would be completed by the case officer to take into account the new plan.

The Principal Planning Officer added to this by advising that if the item were to be deferred, the applicant could wait for the local plan to be adopted or they could appeal under grounds of non-determination.

The Principal Planning Officer informed Members that having discussed it with the applicant, they had already made him aware that they would appeal under grounds of non-determination if Members were minded to defer the application this evening.

The following Members took part in the debate:

- Councillor David Levett;
- Councillor Tony Hunter;
- Councillor Sue Ngwala;
- Councillor Ruth Brown;
- Councillor Daniel Allen; and
- Councillor Tom Tyson.

Points raised in the debate were as follows:

- Prematurity;
- Lack of a very special circumstance;
- Development in Green Belt;
- Impact on countryside; and
- School expansion.

Councillor David Levett proposed to refuse planning permission on the grounds of prematurity. This proposal was seconded by Councillor Michael Muir.

Once the debate had concluded, the Chair requested that the item be voted on.

Councillor Mike Rice sought advice before the vote as he had lost connection to the meeting during the debate and asked whether he was still entitled to vote.

The Legal Regulatory Team Manager and Deputy Monitoring Officer confirmed that in line with the Constitution, Standing Order 4.8.23(a), Councillor Mike Rice was not able to take part in the vote as he had not been present for the entirety of the debate.

*NB: Councillor Mike Rice left the meeting at 22:01.*

Councillor David Levett proposed to refuse planning permission. This proposal was seconded by Councillor Michael Muir.

It was voted upon and:

**RESOLVED:** That application 18/02722/FP be **REFUSED** planning permission for the following reasons:

- (1) The application site is within an area designated in the North Hertfordshire District Local Plan no.2 with Alterations as Green Belt, within which there is a presumption against inappropriate development, such as that proposed, unless very special circumstances can be demonstrated. In the view of the Local Planning Authority the proposal is not supported by such very special circumstances. Moreover, it would harm the fundamental aim of Green Belt policy which seeks to maintain the openness of the area. As such, the proposal would not accord with the provisions of Policy 2 of the District Local Plan no.2 with Alterations 1996 or with the provisions of Section 13 of the National Planning Policy Framework (NPPF).

- (2) In the opinion of the Local Planning Authority, the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. The proposed development and the cumulative effect of other proposed land allocations in this locality, would be so significant, that to grant planning permission would undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging Plan as demonstrated by the extent of unresolved objections to the proposed land allocation, Policy CD5 of the Emerging North Hertfordshire District Local Plan (2011-2031) (Incorporating Modifications) which mean only limited weight can be applied to this policy. The proposal is therefore premature under the provisions of Paragraph 49 (a) and guidance on weight to be applied to emerging policies under paragraph 48 (b) of the National Planning Policy Framework (NPPF).
- (3) At the time of determination the planning application, the subject of this decision notice, has not been accompanied by a valid legal undertaking (in the form of a completed S106 Obligation) securing the provision of the requisite infrastructure and financial contributions towards off site infrastructure or on site affordable housing. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Saved Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations or proposed Local Plan Policy HS2 of the Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as a sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF).

**Proactive Statement:**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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.

**116 PLANNING APPEALS**

*Audio Recording – 2 Hours 36 Minutes 21 Seconds*

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

It was:

**RESOLVED:** That the report entitled Planning Appeals be noted.

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

The meeting closed at 10.08 pm

Chair



Location:           **Land Opposite Heath Farm  
Briary Lane  
Royston  
Hertfordshire**

Applicant:           **Gladman Developments Limited**

Proposal:           **Outline planning application for up to 99 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point via the demolition of an existing property on Echo Hill (all matters to be reserved save access).**

Ref. No:              20/00744/OP

Officer:              **Melissa Tyler**

**Date of expiry of statutory period : 16/04/2021**

## **Reason for Delay**

Extensions of time have been agreed to resolve planning issues and re-consultation of amended scheme and to complete the S106 Obligation.

## **Reason for Referral to Committee**

This planning application is for residential development on a site area greater than 0.5ha (site area over 5ha) and on that basis under the Council's constitution and scheme of delegation this planning applications needs to be determined by the Planning Control Committee.

## **Submitted Plan Nos**

- 7407-L-01 C Location Plan
- 7407-L-03 Development Framework Plan
- 7407-L-06 Indicative Streetscene and section - Access

## **Originally Submitted Documents – 30<sup>th</sup> March 2020**

Location Plan 7407-L-01 Rev. C  
Development Framework Plan 7407-L-03 Rev. I  
Planning Statement  
Socio-Economic Sustainability Statement  
Design and Access Statement  
Landscape and Visual Appraisal  
Ecological Appraisal  
Arboricultural Assessment  
Archaeology and Heritage  
Soils and Agricultural Land Quality  
Site Investigation

Flood Risk Assessment  
Foul Drainage Analysis  
Utilities Statement  
Sustainable Energy Statement  
Air Quality Assessment  
Noise Screening Report  
Transport Assessment  
Travel Plan  
Statement of Community Involvement

**16<sup>th</sup> April 2020**

Redacted Statement of Common Ground  
Indicative Green Infrastructure Plan 7407-L-05 Rev.A

**30<sup>th</sup> July 2020**

Transport Technical Note Rev. 2A

**23<sup>rd</sup> September 2020**

Swept Path Analysis 001220/A2 Concept Design Rev. C05

**20<sup>th</sup> October 2020**

Existing Footway Provision Sun Hill (Briary Lane to Hillside) 1517-26  
Existing Footway Provision Sun Hill (Hillside to A10) 1517-27  
Proposed Footway Provision Sun Hill (Briary Lane to Hillside) 1517-28  
Proposed Footway Provision Sun Hill (Hillside to A10) 1517-29

**26<sup>th</sup> October 2020**

Indicative Streetscene – Access Proposals – Echo Hill 7407-L-06  
Viewpoint 03 and 05  
Viewpoint 10 updated  
Viewpoint 11 updated

**29<sup>th</sup> October 2020**

Proposed Footway Provision Sun Hill (Briary Lane to Hillside) 1517-28 Rev. A  
Proposed Footway Provision Sun Hill (Hillside to A10) 1517-29 Rev. A  
Sun Hill Pedestrian Improvements Arboricultural Assessment

**2<sup>nd</sup> November 2020**

Landscape Technical Note  
Land Registry Comparison Overlay 2019-112/502

**1.0 Policies**

**1.1 National Planning Policy Framework**

In general and with regard to:

Section 2 – Achieving sustainable development  
Section 5 – Delivering a sufficient supply of homes  
Section 8 - Promoting healthy communities  
Section 9 - Promoting sustainable transport  
Section 11 – Making effective use of land  
Section 12 – Requiring good design  
Section 15 - Conserving and enhancing the natural environment

## **1.2 North Hertfordshire District Local Plan No.2 with Alterations (Saved 2007)**

Policy 6 - Rural Areas beyond the Green Belt  
Policy 9 - Royston's development limits  
Policy 14 – Nature Conservation;  
Policy 21 - Landscape and Open Space Patterns in Towns  
Policy 26 - Housing Proposals;  
Policy 29a – Affordable Housing for Urban Local Needs  
Policy 51 - Development Effects and Planning Gain  
Policy 55 – Car Parking (SPD Car parking);  
Policy 57 – Residential Guidelines and Standards.

## **1.3 Supplementary Planning Document.**

Design SPD  
Vehicle Parking at New Developments SPD  
Planning Obligations SPD

## **1.4 North Hertfordshire District Local Plan 2011-2031 'Submission Local Plan and Policies Map**

The Emerging Local Plan (ELP) was now been through the re-scheduled examination hearings in November and December 2020 and further additional hearings were held on 1<sup>st</sup> and 2<sup>nd</sup> February 2021. The Inspector has stated that the hearings are now closed and he does not intend to hold any further hearings. Whilst the schedule of further main modifications have not yet been published by the Inspector, at the time of writing this report, these are expected to be received before the Planning Control Committee on 18<sup>th</sup> March 2021 and the main modifications are due to be presented to the Council's Cabinet meeting on 16<sup>th</sup> March 2021 (seeking approval to proceed with the consultation on the modifications). Weight can be attributed to the emerging North Hertfordshire Local Plan 2011 - 2031 Proposed Submission (September 2016) Incorporating the Proposed Main Modifications November 2018 and the policies contained within it (see below). The weight which can be attributed to the ELP is discussed in greater detail later in this report.

Policy SP1 Sustainable Development in North Hertfordshire  
Policy SP2 Settlement Hierarchy and Spatial Distribution  
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, landscape and biodiversity  
 Policy CGB1 Rural Areas beyond the Green Belt  
 Policy T1 Assessment of Transport Matters  
 Policy T2 Parking  
 Policy HS2 Affordable Housing  
 Policy HS3 Housing Mix  
 Policy HS5 Accessible and adaptable housing  
 Policy HE4 Supported, sheltered and older persons housing  
 Policy D1 Sustainable Design  
 Policy D3 Protecting living conditions  
 Policy D4 Air Quality  
 Policy NEx Strategic green infrastructure  
 Policy NE1 Landscape  
 Policy NEx Biodiversity and geological sites  
 Policy NE4 Protecting open space  
 Policy NEx New and improved open space  
 Policy NE6 Designated Biodiversity and geological sites  
 Policy NE7 Reducing Flood Risk  
 Policy NE8 Sustainable Drainage Systems  
 Policy NE9 Water Quality and Environment  
 Policy NE10 Water conservation and Wastewater Infrastructure  
 Policy NE11 Contamination land  
 Policy NE12 Renewable and low carbon energy development  
 Policy HE4 Archaeology

## 1.5 Hertfordshire County Council

Local Transport Plan (LTP4 – adopted May 2018)  
 Hertfordshire Waste Core Strategy and Development Management Policies  
 Development Plan Document 2012

## 1.6 National Planning Practice Guidance

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

## 2.0 Site History

### 2.1 **16/02109/1PRE** Residential development including diversion of existing bridleway. This advised in Dec 2106 as follows (summary):

***“In accordance with the provisions of paragraph 216 of the NPPF, the determination of an application on this site will likely centre, primarily, on its compliance with the Submission Local Plan. Policy CGB1 of this plan is a rural restraint policy drafted to protect the countryside, beyond settlement boundaries, from development of type proposed except in the case of rural needs housing which can be shown to meet the requirements of Policy CGB2.*”**

***However, in the event that the Council will not be able to demonstrate a 5 year supply of housing land after Spring 2017, an argument for development on this site may be available under paragraph 14 of the NPPF. However, it is my view that the environmental harm of developing this site as proposed would be likely to significantly and demonstrably outweigh the benefits, as the proposed development would have an adverse impact on the rural character of the area. Given the proximity of the site to Therfield Heath SSSI and following consultation with Natural England on any application it may be the case that specific policies in the NPPF relating to sites designated as SSSI indicate that development should be restricted (paragraph 118)."***

- 2.2 **18/02797/SO (screening opinion)** Residential development for the erection of up to 107 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Briary Lane.
- 2.3 **18/00747/OP** Outline planning application for the erection of up to 107 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Briary Lane. All matters reserved except for means of main site access. **REFUSED** at Planning Committee
- 2.4 **19/02927/PRE** Residential development comprising of up to 99 dwellings including public open space, landscaping, SuDs and the demolition of no.24 Echo Hill.

*"In order to fully access the impacts of the proposal in regards to the previously refused scheme, means of **access, layout and scale** should be dealt with at outline stage. Additionally carefully considered structural landscape details should also be provided given the crucial nature this element will play in mitigating visual impacts Further work is required to overcome or mitigate against the highway objection (reason 3) as the lack of a viable bus service to residents is a serious social and environmental impediment"*

### 3.0 **Representations**

#### **Statutory and Technical Consultees**

#### 3.1 **Royston Town Council - Objection**

*Members of Royston Town Council raised a STRONG OBJECTION to this application for the following reasons –*

1. *The previous application with access via Briary lane was refused in January 2019 and this application is not very different to that, with the exception that access is via Echo Hill.*
2. *The application site is not allocated for development either in the existing or emerging Local Plans and lies within the countryside, beyond defined settlement boundaries.*
3. *The additional footfall from the proposed development of 99 residential dwelling houses in proximity to Therfield Heath would further increase the detriment to the SSSI.*

4. *The site is not close to schools, shops or the station as implied in the application. Government guidance states that all occupied areas of a development should be no more than 400m walking distance from a bus stop. Barkway Street is 750m; Baldock Street is 980m. It would be impossible for buses to access the site via Echo Hill or Briary Lane. Tannery Drift school is a 1250m walk – Gladman quote 15 minutes to walk to this – in reality this would be at least 20/25 minutes. Gladman quote a 3 minute cycle ride – not with small children!*
5. *The proposed new vehicular access, which involves knocking down an existing home, is unacceptable for this size of development because of its narrow width, position and difference in height to the site. The required retaining structure would have a significant and negative impact to the neighbouring houses and on the existing street scene.*
6. *The access roads serving this site are inadequate and extra traffic would be to the detriment of public and highway safety. Echo Hill and Briary Lane are both narrow roads with many parked cars that reduce them to a single carriageway in many places. There could potentially be around 200 additional vehicles; such an increase of traffic would be unacceptable in this location. Pedestrian access along Echo Hill and Briary Lane is not particularly suitable for people with mobility impairments.*
7. *There is a proposed pedestrian improvement scheme, which will involve widening a stretch of path along Sun Hill where there are large mature trees. If the roots of these trees are damaged it may make the trees unstable and possibly destroy them.*
8. *Construction vehicles would cause a considerable risk to pedestrians using the narrow paths on the Sun Hill junction with the A10.*
9. *The planned emergency vehicle entrance makes use of Royston Bridleway no.13, which has no right of way for vehicles. The Bridleway is part of the Icknield Way, which is a nationally recognised historic route.*
10. *The site is in an elevated position and would be visible from long distances. Because of its prominent position and the topography of the site, the proposed development would be likely to result in significant adverse impacts on both the character of the area and views.*
11. *The application should once again be refused as the negative impacts of the development would significantly outweigh the benefits in the area and would result in the permanent loss of high quality agricultural land.*
12. *If this was to be approved Royston Town Council would comment that the application is not accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing the provision of 40% affordable housing and other necessary obligations.*
13. *Although not a planning consideration, one of the Councillors commented that in the 50 years that he has been on planning this is the worst application that he has seen.*

3.2 **North Herts Environmental Heath – Contamination (CONDITONS AND INFORMATIVE)**

*I have considered the Environmental Protection Team records, and have reviewed the information submitted with this application. The information submitted included the following document:*

- *Phase 1 Preliminary Risk Assessment, Job no: LKC 16 1095, Document Ref: CL-602-LKC 16 1095-01, by LK Consult Ltd., dated August 2016.*

*The authors of the above-mentioned report considered that conditions at the site were likely to represent a low to moderate risk, with respect to potential contamination on land. They recommended that a Phase 2, intrusive, investigation be undertaken at the site, and gave outline recommendations for this. I agree with the scope and methodology employed, and also with the recommendations made.*

*Given the above, I have no objection to this application, with respect to contamination on land. Given the recommendations made in the Phase 1 report, and given the sensitivity (residential land use) of the proposed development to the presence of land contamination, the following condition should be included*

3.3 **North Herts Environmental Heath – Air Quality (CONDITONS AND INFORMATIVE)**

*I can confirm that there is no formal objection at this stage to the proposal in terms of local air quality. However, the following responses and specific conditions are recommended, based upon the current details provided within the supporting documents supplied.*

3.4 **North Herts Environmental Health – Noise – No Objection (CONDITIONS)**

Noise

*Additional road traffic generated by the development will result in an increase in noise at the existing residential dwellings on Echo Hill adjacent to the site access. I recommend a Condition requiring noise to be assessed and appropriate noise mitigation measures implemented.*

Asbestos

*The existing building which is to be demolished may have asbestos containing products e.g. in roofing materials. I include an Informative.*

### 3.5 **North Herts Affordable Housing Officer – S106 Heads of Terms**

*The overall 40% affordable housing requirement a 65%/35% rented/ other intermediate tenure split is required, in accordance with the proposed submission Local Plan, the council's Planning Obligations SPD and the 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update.*

*Based on 99 dwellings overall the affordable housing requirement would be 40 dwellings; 26 rented and 14 intermediate affordable housing tenure.*

*Within the 65% rented affordable housing element the following tenure mix best meets housing needs, as identified in the 2016 SHMA:*

*21% x 1 bed flats (5)  
12% x 2 bed flats (3)  
26% x 2 bed houses (7)  
35% x 3 bed houses (9)  
6% x 4+ bed houses. (2)*

*Within the 35% intermediate affordable housing element the following tenure mix best meets housing needs as identified in the 2016 SHMA:*

*8% x 1 bed flats (1)  
8% x 2 bed flats (1)  
20% x 2 bed houses (3)  
54% x 3 bed houses (8)  
10% x 4+ bed houses (1)*

*The applicant is proposing the provision of a range of 2 to 5 bedroom dwellings with a choice of house types. There is high demand for smaller; two bedroom family houses across the district, particularly for rent. The applicant could increase the number of two bedroom flats to six and the number of two bedroom houses to nine, to replace the five x one bedroom flats. The rented element would therefore be:*

*24% x 2 bed flats (6)  
35% x 2 bed houses (9)  
35% x 3 bed houses (9)  
6% x 4+ bed houses (2)*

*As there are only 2 no. intermediate affordable housing tenure flats required, I suggest the applicant considers provision of 2 x 2 bed flats, perhaps with the outside appearance of a dwelling house. Alternatively, the provision of some two bedroom bungalows instead of flats for the rented and/ or intermediate tenure dwellings given the location.*



*The proposed submission Local Plan recognise that there will be a substantial increase in the number of and proportion of older residents in North Hertfordshire and there is high demand/ need for suitable accommodation for this client group and residents with disabilities.*

*Registered Providers (RPs) and developers are not keen on mixed tenure blocks in any event and therefore any flats for rent would need to be separate from any flats for intermediate affordable housing tenure.*

*The affordable homes should be owned and managed by a registered provider, should be spread across the sites in small clusters rather than be situated on one or two parts of the site and should be physically indistinguishable from the market housing.*

### **3.6 North Herts Waste – Condition proposed**

*Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.*

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

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

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

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

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

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

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

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

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

### **3.7 Landscape Consultant appointed by North Herts – Landscape Partnerships**

*On balance TLP consider that in landscape and visual terms the proposed development would result in some localised significant adverse effects. Effects on landscape character would be most notable on the Site and immediate area extending up to Therfield Heath (c 250m distance). Notable visual effects in the medium term from Year 15 are from Therfield Heath (Viewpoint 10) and along Briary Lane /Bridleway Royston 13. These effects result from placing built development at an elevation higher than the adjacent residential areas. The scheme includes a generous provision of open space that would be accessible to the public and provide for green infrastructure benefits. The proposed planting would in part help to assimilate the development in the medium to long-term from the adversely affected locations on Briary Lane and Therfield Heath. However, there would still be a net adverse impact on the site and distinctive local setting of the landscape at this edge of Royston.*

### **3.8 North Herts Greenspace Management**

*There is a known deficiency of green space within the urban area of Royston and I would support the inclusion of a play area within the design proposals.*

*The sites location adjacent to Therfield Heath is a concern due to its SSSI status and there will be additional impacts upon the Heath that need to be considered such as additional footfall and the risk of invasion of none native plants, from the introduced urban areas, into the SSSI - however I am sure the appropriate landscape officers will raise similar concerns.*

*While there is no or little detail regarding the landscaping and play provision it does show a significant boundary between the development and the rural landscape which I also support. Due to the sensitive nature of this location and the need to protect the SSSI I would propose that this is adopted by the authority to ensure appropriate long term management of the environment in that location.*

*If a management company was to undertake maintenance, I would need to seek significant assurances of their long term plans for the location and that they were financially secure to ensure a long term presence. There would also be a need for us to agree a long term management plan for the site post development that would require regular review.*

### 3.9 **HCC Highways – (CONDITIONS and INFORMATIVES)**

*The impact of this development on the local highway network has been assessed and is shown to be acceptable subject to mitigation. This is to be secured via s278 agreements for works to the highway, S106 contributions, and a Travel Plan. These requirements are summarised as follows:*

#### **S106 Agreement**

*A s106 agreement will be required to secure;  
A Full Travel Plan, in accordance with HCC Travel Plan Guidance and:  
Financial contributions towards improved bus services and facilities in accordance with  
HCC Planning  
Obligations Guidance.*

#### **S278 Agreement**

*A s278 highway agreement will be required to secure the proposed new access junction and offsite works.*

#### **CONCLUSION**

*The anticipated trip generation assessed within the Transport Assessment in association with the scale of the development demonstrated that the impact of traffic does not result in a severe impact on the local highway network this was carried out by undertaking a series of traffic impact assessments on the local highway network*

### 3.10 **HCC Rights of Way**

*The development plans shows access points between the development and the surrounding Bridleways, Royston 13 and 14, which is encouraged.*

*I must clarify that Royston Bridleway 13, (described here as Briary Lane) is a Bridleway for public use on foot, horse or cycle and that use by public motor vehicles is unlawful. The use of vehicles along the bridleway is by adjacent landowners using their private vehicle rights.*

*I would need to confer with colleagues as to whether emergency vehicles should be catered for more formally than on a route not legal for public motor vehicles. Also whether emergency vehicles should be provided formally with a surface appropriate for vehicles, e.g. asphalt, a surface not normally associated with Bridleways and a surface which the Rights of Way Service would not be able to maintain.*

*I would like to confirm that I would like to object to this planning application on the basis that the planned emergency vehicle entrance, is making use of a Bridleway (Royston Bridleway 13.) It is illegal to drive a motor vehicle on a bridleway, unless you have a private right to do so.*

3.11 **HCC Planning Obligations – Education**

Seeks contributions in line with SPD. See S106 section below (4.3.105)

3.12 **HCC Historic Environment Advisory Team – No objection**

*An archaeological geophysical survey and a trial trenching evaluation comprising a 3% sample of the site were carried out prior to the determination of previous planning application 18/00747/OP. No remains of archaeological significance were identified in either.*

*It is therefore apparent that, despite its proximity to Therfield Heath, the site has a very low potential for surviving below-ground remains of archaeological significance. Therefore we have no comment to make on this application.*

3.13 **HCC Ecology**

**Condition required to off set loss of biodiversity areas**

Full comments can be read on website and the representation has been discussed below in sections 4.3.93

**Comments received following third Party Bat Report:**

*The report is submitted in connection with the proposals, although there is no suggestion it was undertaken to inform any decision on the application. There is a Hertfordshire Barbastelle Project and this seems to have been the primary reason for the additional surveys. However the presence of bats and confirmation of a rare bat does place some emphasis on this issue in the context of the proposals.*

*The bat surveys show primarily use of the adjacent urban areas as well as activity along Briary Lane. I don't know whether the records of some of the bats (such as Leisler's and Barbastelle) are a reflection of direct use of those areas or just individuals flying over and recorded as doing so from those locations – but the pipistrelles are certainly likely to be directly foraging along those features. In any event, a number of species of bats have clearly been recorded as using this area, and It would appear that a Barbastelle roost is nearby given the number of recordings made within a few minutes of sunset.*

*Barbastelle are indeed a rare bat; there is an SSSI for this species in Cambridgeshire some miles north of Royston. It is recognised as a wide ranging species with foraging trips of many miles, but clearly the juvenile bat does suggest a local maternity roost locally. This should be recognised and every effort made to ensure any development does not Harm any such roost or wider foraging area.*

*In this case, no likely roost sites are affected on the proposals site as it support almost no – if any – trees, let alone suitable trees. Adjacent trees will be protected. Foraging quality as arable is low but could be improved if grassland, but that is entirely down to the site's management which isn't controlled. Hedgerows are valuable but these are of moderate size around the field, larger elsewhere but again a reflection of management. Consequently, in itself I do not consider this has any significant direct impact on bats or the rare Barbastelle.*

*The development of housing will lose some foraging potential; however, the species is known to traverse through or over back gardens at Bishops Stortford (A Palmer, per com) which became evident in discussions concerning Barbastelle and the A120 improvements several years ago. They were also recorded as foraging over the garden in Royce Grove – although these are large and relatively well treed gardens. Whilst this doesn't demonstrate gardens are favoured by these bats, it suggests they can still use an urban fringe environment for direct foraging and if needing to get from A to B. Consequently some perspective is required in considering any impacts of the development in this respect.*

*The habitat around Royce Grove is very well treed; furthermore 50m to the east on the eastern side of the A10 is a long strip of mature woodland linking to mature woodlands and hedgerows to the south, a good bat-landscape for Barbastelle and other species. This will not be affected by the proposals.*

*The current development scheme proposes open space and considerable tree planting to the southwestern side of the site, perhaps amounting to half of the site. The role of Briary lane as a corridor for bats is emphasised by the report, but we would expect this to be retained and enhanced. This landscaping / GI can only increase the value of this part of the site for foraging bats compared to the arable-dominated fields currently present, assuming the area is managed appropriately. The local presence of Barbastelle certainly increases the significance of this area now and in the future, and as a route west to Therfield Heath and the woodland belts beyond. So this does place greater importance on achieving a high quality biodiversity resource being created as a major function of the open space. It also places emphasis on retaining the well treed urban environment particularly around Royce Grove, woodland strips and mature hedgerows east of the A10 and similar habitats to the south into open countryside.*

*Taking the above into consideration, in respect of the proposed development I do not consider that the presence of Barbastelle or other bat use of the area would place a fundamental or additional constraint on the proposals as they stand. They do however, emphasise the importance of securing the proposed open space within the development and managing it appropriately for biodiversity, as far as possible.*

### 3.14 **HCC Fire & Rescue**

Following the removal of the Emergency Access – No objection given the size of the proposed development.

*Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit.*

*Access for fire fighting vehicles should be in accordance with The Building Regulations 2000 Approved Document B (ADB), Section B5, Sub-section 11.*

*Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes*

*Turning facilities should be provided in any dead-end route that is more than 20 m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 8 in Section B5*

### 3.15 **HCC Growth and Infrastructure**

#### **Fire Hydrants**

*Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking. Hertfordshire County Council Growth & Infrastructure Unit Environment & Infrastructure Department County Hall Hertford Hertfordshire SG13 8DN Respond to: Growth@hertfordshire.gov.uk 2 Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.*

#### **Section 106 Contributions**

*Outlined contributions in relate to Education, Youth Services and Library Services. See S106 section below for full contributions – Heads of Term Section 4.3.105*

**3.16 HCC Crime Prevention Design Advisor – Herts Constabulary – (INFORMATIVE)**

*I have studied the documents submitted on the council's planning web site and have no concerns regarding this application. I am pleased to see that on page 62 of the Design and Access Statement there is an entire section about the Police preferred minimum security standard that is Secured by Design. My only disappointment is that the applicant has made no reference as to whether they will be seeking to achieve SBD accreditation. With this in mind I would like to request that an informative be added to any grant of planning permission that states;*

*"The applicant is requested to contact the Hertfordshire Constabulary Crime Prevention Design Service with a view to seeking the Police preferred minimum security standard that is Secured by Design. This is to ensure their discharge of obligations under the Building Regulations and to comply with their intentions as laid out in the Design and Access Statement."*

*With this in mind the Police Crime Prevention Design Service support this application.*

**3.17 HCC Minerals and Waste – Condition Proposed**

*The county council, as the Waste Planning Authority, responded to the Screening Opinion for the above proposed developments on 06 November 2018. In these comments the Waste Planning Authority identified that the proposed developments do not fall within close proximity to any safeguarded waste sites or areas, nor do they fall within the sand and gravel belt (as identified in the adopted Minerals Local Plan 2007).*

*The comments in the letter dated 06 November 2018, asked that a Site Waste Management Plan (SWMP) be prepared for the proposed developments in line with the requirements of adopted Waste Local Plan Policy 12: Sustainable Design, Construction and Demolition.*

*Upon reviewing the documents submitted with application 20/00744/OP it is clear that a SMWP has not yet been submitted. However, it is understood that this is an outline application and there is still time for a SWMP to be prepared and submitted at a later application stage.*

**3.18 Historic England**

*Historic England has no objection to the outline application on heritage grounds but consider that at reserved matters stage, the development should contain a wider western buffer zone to conserve the setting of the bowl barrow cemetery at all times of the year. We would expect to be consulted on this reserved matters application once it has been submitted.*

*In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.*

3.19 **Natural England COMMENTS RECEIVED PRIOR TO REMOVAL OF EMERGENCY ACCESS**

Assessment of Direct Impacts on Therfield Heath SSSI

*The Ecological Appraisal correctly asserts that the applicant engaged in discussion with us at an early stage through our Discretionary Advice Service.*

*We note that in this application the main point of access has been moved from Briary Lane to Echo Hill. From an ecological perspective this appears to have addressed some of our concerns regarding direct impacts on Therfield Heath SSSI.*

*It appears, however, that Briary Lane will still be used for emergency access and for utilities. We therefore still require explicit confirmation from the applicant that all proposed infrastructure will be contained within the existing bridleway and that there is no requirement for permanent intrusion onto or under SSSI land. Further to this we require confirmation that no equipment, machinery or materials will be stored on the SSSI and that no works will require any temporary structure or access onto the land dedicated as SSSI during the construction phase. Whilst they are not a notified feature of the SSSI, impacts on any trees located within the SSSI boundary from using Briary Lane for these new purposes also needs to be clearly set out.*

Indirect Impacts upon the SSSI

*Natural England commends recognition in the Ecological Appraisal that the development in an unmitigated scenario would likely have a recreational impact on Therfield Heath SSSI. Natural England is committed to the principle of mitigation and has the following comments on the measures put forward:*

Green Infrastructure ('GI')

*Natural England notes that a Suitable Alternative Natural Greenspace ('SANGs') measure has been applied in paragraph 5.5 of the Ecological Appraisal in line with the quantities required for Thames Basin Heaths Special Area of Conservation. Whilst Natural England recognises that this may provide a useful guide for requirements outside of the Thames Basin Heath Zone of Influence it should not be applied generally without consideration of the specific characteristics and draw of the protected sites. There may also be difficulties in delivering everything that is required for effective SANG provision within this relatively small site.*



*That notwithstanding, and recognising that the current application is for outline permission, Natural England consider the area identified for GI provision in the application does appear reasonable. In order to be considered an effective avoidance measure, GI should seek to provide opportunities for dog walking which has been identified in visitor surveys as one of the primary reasons for visiting the SSSI. Our SANGs guidance states that 'SANGS should aim to supply a choice of routes of around 2.5km in length with both shorter and longer routes of at least 5km as part of the choice, where space permits.' Provision of outdoor play areas and linkages with existing Public Rights of Way which lead away from Therfield Heath could also assist in reducing usage of the SSSI for day-to-day recreation.*

*It not a mitigation requirement but Natural England would expect this development to seek to deliver net gains for biodiversity.*

#### *Residual use of Therfield Heath SSSI*

*Natural England commends recognition within the Ecological Appraisal that proximity to the SSSI makes it unlikely that avoidance measures will be fully effective regardless of size and quality. We do not recall discussing the figure put forward in paragraph 5.6 with the developer but can confirm that we have indicated that warden provision has in the past proven to be an effective mitigation measure for Therfield Heath.*

*When responding to the North Hertfordshire Local Plan Natural England advised and agreed in a Statement of Common Ground that a mitigation strategy for impacts on the SSSI needs to be put in place prior to the adoption of the plan. That remains our view, however if your authority is minded to approve this application or other like it you must ensure that the any money collected is;*

- ☐ *proportionate,*
- ☐ *for a specific mitigation measure or range of mitigation measures; and*
- ☐ *that the mitigation measure/s are deliverable and effective.*

#### *The Conservators of Therfield Heath and Greens*

*The Conservators of Therfield Heath and Greens as managers of the site should also be consulted and appropriate weight given to their submissions. Their assistance will be particularly welcome in advising on current warden provision and how any contribution from these developers would fit in with existing funding streams. Natural England has always advised that a range of measures may be required to protect and enhance the conservation status of Therfield Heath SSSI and their local knowledge could assist in identifying alternative mitigation if our previous advice regarding warden provision is now outdated.*

#### *Landscape*

*This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals, however, should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.*

### 3.20 **Environment Agency**

Conditions recommended if planning permission is granted

***“The site is located in a Source Protection Zone 1 (SPZ1) and is considered to be of high sensitivity so could present potential pollutant/contaminant linkages to groundwater. According to the submitted documents, the current and former use of the site is predominantly agricultural with two unknown structures noted to have been previously present at the site. The proposed surface water drainage strategy involving infiltration could present a risk to the underlying groundwater. Being located in an SPZ1 (Inner Zone) means the site lies within the immediate catchment of a groundwater abstraction used for public water supply. The groundwater abstraction boreholes are located in close proximity of the site. The site is therefore vulnerable to pollution as contaminants entering the groundwater at the site may contaminate the protected water supply.***

Following queries raised by neighbours:

***Having re-reviewed the details of the application we remain confident that the proposed development will be acceptable subject to the planning conditions we recommended in our letter of 13 April 2018. Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy framework (NPPF) because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.***

***Any unexpected contamination found while the development is taking place is covered in the unexpected contamination condition (condition 1)***

***Our recommended condition on surface water disposal (condition 2) requests that an appropriate plan will need to be provided and approved by the Local Planning Authority.***

***We have also provided advice to the applicant on the design of SuDS on site, which should be followed to provide further protection to the controlled waters. With regards to the flood risk concerns raised, the site falls within flood zone 1 (a low risk fluvial flood zone) and as such we don't have any comments to make on fluvial flood risk. The risk from surface water flooding will be looked at by the Lead Local Flood Authority (Herts County Council)."***

### 3.21 **Lead Local Flood Authority – No objection – Conditions recommended**

*Following a review of the Flood Risk and Surface Water Drainage Assessment carried out by MLM reference 6101152-MLM-ZZ-XX-RP-C-0001 Revision 2 dated 10 March 2020, we can confirm that we the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy and subject to further detailed assessment under the reserved matters applications.*

#### ***FRA and Surface Water Drainage Strategy overview***

*The proposed drainage strategy is based on infiltration and infiltration tests have been carried out to ensure the feasibility of the proposed scheme. We note that there are no watercourses or public sewers within the vicinity of the site. A number of infiltration basins have been proposed across the site with an with an assumption of 55% of developable area to be impermeable. We note that total contribution area will be confirmed at reserved matters stage. As the site is split by a ridge line the drainage networks have been split into two catchments; area 1 (north) which falls to the north-west and area 2 (south) which falls to the south east. The northern area shows two attenuation basins, while the southern area shows one, these basins have been utilised to achieve the discharge of surface water via infiltration.*

#### ***Water Quality***

*We acknowledge that the site is located within a SPZ 1 and above a designated aquifer. The LLFA do not provide detailed comments in relation groundwater quality and would advise consulting to Environment Agency in relation to their requirements.*

*However as part of the drainage strategy at detailed design the LLFA would expect the applicant to demonstrate an appropriate SuDS management treatment train to ensure a degree of water quality prior to infiltration into the ground. At detail design stage we would expect above ground measures such as permeable paving, swales etc. utilised within green space and areas of landscaping. Prioritising above ground methods and providing source control measures can ensure that surface water run-off can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.*

## **Flood Risk from Exceedance**

*Drainage exceedance will occur when the rate of surface water runoff exceeds the inlet capacity of the drainage system, when the receiving water or pipe system becomes overloaded, or when the outfall becomes restricted due to flood levels in the receiving water.*

*Following a review of the Environment Agency's map for surface water flooding the site is located within a low risk area with no existing overland routes. In relation to new developments the design standard is 1 in 100 year plus climate change event; therefore anything above this standard would be considered as exceedance. The outline drainage strategy proposes to ensure surface water arising from the development to be contained on-site up to the 1 in 100 year rainfall event plus 40% for climate change*

*Routes of exceedance will need to be assessed and identified for rainfall events that exceed the 1 in 100 year + climate change event once a site layout has been confirmed as part of the detailed design process. This is to ensure the flows above the 1 in 100 year plus 40% for climate change rainfall event are directed away from any buildings.*

## **SuDS Proposal and Drainage Modelling**

*The MLM drainage strategy drawing reference 618540/110 shows the surface water drainage strategy for the site, indicating likely volumes of attenuation. The volume of attenuation has been calculated for the 1% AEP rainfall event including 40% climate change. The infiltration basins have been sized to meet the 24 hour half drain test.*

*The infiltration basins have been sized with an with an assumption of 55% of developable area to be impermeable. As this is an outline application and no development layout is yet available we would agree that this is a suitable assumption for the drainage calculations. As part of detail design we would expect the applicant to provide construction level detail of all the proposed SuDS/Drainage features and to be supported by detailed drainage calculations.*

*Given the residential nature of the development, we agree that a factor of safety of 10 should be applied and we would expect this to be taken account of during detail design of the final drainage scheme.*

*We note that the infiltration test used for the basin within Network A is based on interpolated data and only two tests were completed. As infiltration on site has been proven and given that there are no other mechanisms to discharge surface water, we believe this to be a suitable option. As part of reserved matters/discharge of condition stage the detail infiltration testing should be carried out in accordance with BRE Digest and at the location of the infiltrating feature.*

### **Geo-hydrological constraints**

*The density of the chalk has not been specified within the report. The FRA states if the chalk is found to be of low density, the offset from foundations will be increased from the current proposal of 5 metres to 10 metres.*

*A detailed ground investigation should be carried out in order to determine the density of the chalk and ensure an appropriate offset from foundations has been applied. However we understand that as the site layout is not yet available at this stage we recommend this be incorporated at detail design stage.*

### **Groundwater flood risk**

*The Site Investigation and Trial Pits (Appendix C) shows that no groundwater was encountered during ground investigation. It is noted that testing was undertaken during a relative dry season; therefore further testing should be carried out at detail design stage to record the levels of groundwater. If the local planning authority has concerns in relation to this, it can be added as an additional condition to the application.*

## **3.22 Anglian Water**

### **Wastewater Treatment**

*The foul drainage from this development is in the catchment of Royston Water Recycling Centre that will have available capacity for these flows Source Protected Zones We note that the site falls within a Source Protection Zone, we have assessed the potential impact of the site and have concluded that there is no risk to our potable water source."*

### **Surface Water Disposal**

*The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.*

**Foul Drainage Analysis** *The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advice them of the most suitable point of connection.*

### 3.23 **Affinity Water**

*You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Therfield Heath Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.*

*The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.*

*For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".*

### **Other Representations from non-statutory consultees**

### 3.24 **CPRE – Objection (Full representation on website)**

*CPRE Hertfordshire continue to object to this speculative proposal for inappropriate residential development in the Rural Area Beyond The Green Belt and outside the settlement boundary of Royston, contrary to the policies in both the current Local Plan No.2 and the Submission Local Plan which is presently subject to Examination in Public.*

*In essence, the justifications for development put forward by the applicant remain the same as those included with Application No. 18/00747/OP for 120 dwellings which was refused by the Council in 2019. The material differences between the two applications are the reduction in the number of units proposed and the move of vehicular access from Briary Lane to Echo Hill.*

### 3.25 **Ickniel Way Association**

*The Ickniel Way Association was inaugurated in 1984 to urge the official adoption of the Ickniel Way Path as a National Trail linking the Ridgway and Peddars Way and to promote and publicise its amenities and use for the benefit of its users.*

*The Ickniel Way itself can claim to be 'the oldest road in Britain', consisting of pathways and tracks dotted with archaeological remains and running for 110 miles across the chalk 'spine' of southern England. The Ickniel Way Path largely shadows the ancient Ickniel Way and was awarded Recreational Route status in 1992. There is also an Ickniel Way Trail for riders which, for large parts, runs concurrently with the walkers' Path. This is the case with the Ickniel Way Trail alongside the proposed development on land opposite Heath Farm, which thus has potential implications for both the Path and Trail.*

*By comparison with the earlier planning application in respect of this site (planning reference 18/00747/OP) the now proposed access via Echo Hill rather than Briary Lane would somewhat mitigate the adverse effects of the development on the Path and Trail. Nonetheless, although not encroaching directly onto their route, the eastern edge of the proposed development would still approach it closely along a significant length of this historic way, adversely affecting its character and environment. Paragraph 5.16 of the Archaeological Heritage Part 1 document submitted as part of the current planning application recognises the prehistoric character of the Icknield Way and its associated archaeological features. Paragraph 2.18 of the Landscape and Visual Appraisal recognises that the visual receptors most susceptible to change generally include “people engaged in outdoor recreation, including use of public rights of way, where attention is likely to be focused on the landscape or particular views” and “visitors to heritage assets or other attractions, where views of surroundings are an important contributor to the experience”. These groups clearly include walkers and riders along the Icknield Way Path/Trail. The planting of immature trees and shrubs which, it is acknowledged, will take up to 15 years to reach sufficient maturity to provide effective screening, will not mitigate the substantial and damaging impact of this proposed development on the environment of the Trail.*

*Should final planning permission for this development be granted, it is the view of the Icknield Way Association that it must carry a formal requirement to preserve the ability of walkers and riders to pass freely along the route at all times during the building process and that screening work should be instituted to preserve the health and safety of both human and animal users of the Icknield Way Path/Trail. Any screen planting along the edge of the development should consist of substantial native hedgerow species and mature trees and should take place early in the construction schedule, rather than at the end.*

*Should a temporary diversion of the Icknield Way Path/Trail prove to be necessary during the actual construction works, reinstatement of the original route must occur as soon as that construction work is finished. The Association would also wish to be consulted on any proposals for temporary re-routing of the Path/Trail during construction works.*

### **3.26 British Horse Society**

*A bridleway is a public right of way over which the right of way is on foot and on horseback, possibly with an additional right to drive animals. Parliament granted cyclists the right to use bridleways on 1968.*

*In conclusion we would remind the Council of Paragraph 75 of the NPPF which states ‘Planning policies should protect and enhance rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails’*

### 3.27 **The Conservators of Therfield Heath and Greens**

*The Conservators of Therfield Heath and Greens object to this planning application on the following grounds: -*

*1. Policy 14: Nature Conservation of the North Hertfordshire District Local Plan or Proposed Local Plan Policy SP12 Green Infrastructure, Landscape and Bio diversity, Proposed Local Plan Policy Policy D4: Air quality and Proposed Local Plan Policy NEx: Strategic green infrastructure*

*The applicant has not satisfactorily identified or assessed the risk and impact of the development on Therfield Heath as a Site of Special Scientific Interest (SSSI) and a Local Nature Reserve (LNR) in their application. Considering the SSSI Impact Risk Zones identified by Natural England at the eastern end of Therfield Heath we have identified risks that need to be assessed. We believe that the proposed development will have a significant detrimental effect and will harm the SSSI and LNR due to the following: -*

#### *Emergency Vehicle Access:*

*The proposed emergency vehicle access is across common land under our management using a bridleway and other land. We believe the proposed emergency vehicle access will encroach over the SSSI and does not take account or show possible improvements to nature conservation. There are significant potential or detrimental impacts on nature conservation by routing emergency vehicle this way. These impacts have not been assessed in the Ecological Appraisal.*

*The Conservators do not believe the emergency access route is engineered to meet the minimum access required by Herts Fire and Rescue (e.g. weight bearing capacity of 19 tonnes, 3.7m clearance etc). The application does not detail how the minimum required access standards will be met and the Conservators will not accept responsibility to maintain, make good or sustain the suitability of this route. The route will need to have a clearance of 3.7m and this will require a change in the management of trees that overhang the bridleway from the LNR and from the SSSI. These trees form an important buffer to the LNR & SSSI.*

#### *Air Pollution:*

*There will be increased traffic at the Briary Lane - Sun Hill junction accessing and egressing from the proposed development. This constitutes an infrastructure "air pollution" risk to the SSSI. The Air Quality Assessment models an uplift of traffic (both LGV and HGV) on Echo Hill but this uplift is not correspondingly included for the Briary Lane - Sun Hill junction. Traffic simply cannot get to Echo Hill without using Briary Lane and this undermines the credibility of the assessment. This risk is not properly identified, quantified or assessed by the applicant, the proposals do not comply with Policy 14 or the emerging plan policy D4 Air Quality.*



*Sewer Pipeline:*

*The proposed sewer pipeline is to be routed below the bridleway. An assessment of the water assets below the bridleway (water supply pipes to Royston), suggests the sewer will need to be routed either under the SSSI and below the tree fringe, or under the LNR which we object to. Either routing is in breach of Policy 14 Nature Conservation as the pipeline will directly impact the trees on the SSSI and will not encourage the potential nature conservation value of the site.*

*Sustainable Drainage:*

*The design includes a surface drainage basin. We believe the surface water management methods and its proximity to the LNR, which is at a lower level is likely to harm the nature conservation, which is contradictory to Policy 14 and the emerging local plan Policy NEx, Strategic Green Infrastructure.*

*Increased Dwellings:*

*The increase in the number of people living within close proximity of the SSSI and LNR will have a profound negative impact on wildlife. For example the increased numbers of domestic pets, such as cats will have a negative impact on the wildlife in this area. A full assessment of this and similar risks has not been made and their impacts on the SSSI have not been quantified.*

*Pedestrian route to amenities:*

*The proposed 'pedestrian route to amenities' (see Transport Assessment p155) is routed across rough ground which seasonally is given to tall grass, wildflowers and nettles. Our management of this space does not recognise the need for such a footpath given there is an adjacent unmade bridleway and we will not be introducing tactile paving or maintaining a path suitable for all users (including those less able) across the nature reserve.*

*Conservators strongly object to this application on the collective negative impacts outlined above, as they are all in contradiction of saved Policy 14: Nature Conservation and the emerging local plan policies SP12, D4 and NEx, which we believe give significant valid reasons to reject this application.*

### 3.28 **Neighbour Representations**

All consultation responses are available on our website.

#### **At the time of writing we have received 453 Objections**

The issues raised by the Say No to Gladmans Action Group have been summarised below:

##### **Highways and Transportation**

- Undeliverable access – landownership issues
- Lack of sustainable transport
- Undeliverable Pedestrian Access
- Swept Path Analysis – issues with access for waste and emergency services
- Issues with Conditions proposed
- Access Road as Major Development - Minor Access Road used to service Development
- Emergency Access – issue using Bridleway and need clarification on if development does require secondary access

##### **Ecological Impact**

- Harm to the SSSI
- Harm to Protected Species/Habitats/Arboriculture – desk based study undertaken

##### **Visual Landscape Impact**

- Harm to landscape - Scheme results in a major adverse impact on the local landscape, visually from the SSSI and dominance of the residents. This was used as a reason for refusal in 2018 and remains the case for the latest proposals.

##### **Air Quality**

- Risk not properly identified

##### **Infrastructure, Flood Risk and Drainage**

- Source Protection Zone – located above a designated Major Aquifer. This is a public water supply, comprising of several Chalk boreholes, operated by Affinity Water.
- Surface Water runoff from the access road and overland flow from the development has not been adequately assessed. The LLFA has confirmed a FoS of 10 not 5 should be applied to the site.
- The Foul Sewer for 185 dwellings, is still shown, running under the Bridleway, but there are 4 no mains water pipes supplying the whole of Royston under the 4m wide Bridleway, the pipework and manholes would possibly encroach on Therfield Heath SSSI.

**Other matters**

- Harm to living conditions – especially those neighbouring access
- S106 not complete
- HCC state the proposed development will require an extension to a local Primary School which has not yet been built and is fully allocated for approved Local Plan sites.
- The development will result in the use of high-grade agricultural land and will result in the loss of these fields
- The site is not within the emerging local plan and located outside the settlement boundary. The plan is currently in advanced examination stages.
- The proposed site of development is at such an angle and height that future occupants of dwellings on this site would overlook adjacent properties, resulting in an invasion of their privacy.
- The elevated nature and steepness of the topography at the site would also likely result in the failure of the 25- degree line test, as stipulated within the relevant BRE Daylight and Sunlight document.

**Positives to the development in the planning balance**

- The site will provide additional housing towards NHDC Local Plan Supply. Support towards NHDC 5-year supply is however disputed
- The site is promoting 40% Affordable housing.
- The development could result in more people using the local town centre and its local retail.

**The issues raised by neighbours have been summarised below (following similar lines as above):**

- Access off Echo Hill not appropriate
- Highway safety - access Echo Hill and in regards to Sun Hill and Briary Lane
- proposed upgrade to pedestrian routes along Sun Hill - potential to damage trees
- impact on biodiversity and trees (TPO areas Layston Park)
- outside settlement boundary, contrary to policies
- poorly located for access to services - town centre, transport links, schools, etc
- Ground level changes - gradients create difficulty for walkers
- links to bridleways - details needed
- crime issues
- car park for users of open space
- emergency access need
- Ecological and visual impact of development on the SSSI
- Covenants - restricting the demolition of No. 24
- Drainage issues in heavy rain
- Impact on Landscape and visual amenity
- Traffic congestion along Briary Lane and Sun Hill already a problem
- Royston has had large numbers of new housing in the last 10 years
- Impact on local wildlife
- Bridleway is unsuitable for emergency access

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

- 4.1.1 The site is located on the edge of the current settlement boundary to the south of Royston. The site is currently arable fields with an area of approximately 9 hectares. There is a residential area, Echo Hill, to the north of the site, with Layston Park to the north east and a residential road, Royse Grove, to the east of the site.
- 4.1.2 The site is close to Therfield Heath, which is a SSSI, to the west. A Bridleway (public right of way) runs along the western and southern boundaries of the site.
- 4.1.3 A pumping station is located in the south-western corner and not part of the application site. Layston Park is covered by a group TPO which includes the boundary trees along the north east section of the site. Hedgerows border the site on the, north, south and west and a section through the site. A number of trees flank the eastern boundary.

##### 4.2 **Proposal**

- 4.2.1 Outline planning permission is sought for **up to 99 dwellings** with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point from Echo Hill following the demolition of No. 24. All matters are reserved except for means of access.
- 4.2.2 Means of access covers accessibility for all routes to the site, as well as the way they link up to other roads and pathways outside the site. **Please note that the proposed Emergency Access along Briary Lane (the Bridleway section) has been removed from the proposal following consultation that a second access for the use of emergency vehicles only is not required by Highways this removes the site from the SSSI.**
- 4.2.3 An indicative layout plan has been submitted outlining the areas of housing, internal roads, and the illustrating the extent of the open space provision.

##### 4.3 **Key Issues**

- 4.3.1 The key planning considerations have been divided into the following sections:
- Policy background and principle of development
  - How the previous reasons for refusal (18/00747/OP) have been overcome
  - Planning issues – discussing the of harm and benefits of planning issues
  - Planning Obligations
  - Planning balance and conclusion

## Policy Background and Principle of Development

- 4.3.2 The starting point for the determination of any planning application is the development plan. In this case, the development plan is considered out-of-date by reason of footnote 7 of paragraph 11 of the NPPF. The Council acknowledge a shortfall of the minimum target five-year housing land supply, and the application is for the delivery of housing. Progressing the application of paragraph 11(d) of the NPPF, limb i. states that planning permission should be granted unless ***“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”*** And ii ***“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole”***. These policies must be applied to determine whether they provide a clear reason for refusing the development.
- 4.3.3 Although deemed out of date as above, the policies in the saved policies of the District Plan No2 with Alterations give context to the development site. The proposed site is undeveloped agricultural land which currently lies adjacent to, but outside the development limits boundary of, Royston within the Rural Area Beyond the Green Belt (the Rural Area) as designated in the North Hertfordshire District Local Plan No. 2 – with Alterations (Saved Policies) Proposals Map (Policy 6). Much of the northern and eastern parts of the site are covered by a Landscape and Open Space Pattern designation (Saved Local Plan Policy 21). The site is located in close proximity to the Therfield Heath Site of Special Scientific Interest (SSSI). Policy 9 states that the Council will refuse development proposals outside of the Royston’s development limits boundary unless they are acceptable in the Rural Area. A substantial residential scheme would not meet any of the criteria set out in Saved Policy 6 which deals with the Rural Area.
- 4.3.4 Saved Policy 21 states that development within areas covered by the Landscape and Open Space Patterns in Towns designation will normally be refused where it would have a significantly detrimental effect on the character, form, extent and structure of the pattern. Should development be considered acceptable against this test, a number of further criteria are set which, broadly speaking, require the retention and reinforcement of the landscape and open space pattern and encourage their management and use for recreation.
- 4.3.5 The term “significantly detrimental” is not further defined within the policy and therefore the assessment of these factors is a matter of planning judgement. However, the following broad observations are made:

The development framework submitted with the application shows residential uses in the north and east of the site. This broadly corresponds with the area covered by the Policy 21 designation;

Development of this area would result in the severance of the designation as shown on the saved policies Proposals Map;

Land at the south-west of the site is shown as open space which, although beyond the limits of the Policy 21 designation would allow for the provision of a continuous band of open space linking to the areas of the Policy 21 designation which lie beyond the site to the south and west respectively.

- 4.3.6 Policy 14 states that the Council will not normally grant planning permission for development proposals which harm the value of SSSIs.
- 4.3.7 In terms of other material considerations, the emerging Local Plan was submitted for Examination in 2017. Under the provisions of the emerging plan (ELP), Royston is identified in Policy SP2 as one of a number of towns towards which the majority of future development will be directed. However, this site lies beyond the proposed settlement boundary and has not been allocated for future development. It is proposed to retain the site within the Rural Area within the Emerging Local Plan (2011-2031).
- 4.3.8 Policy CGB1 of the submitted Plan sets out the general forms of development that will be supported in the Rural Area. These are similar to the provisions of saved Policy 6 above and a major residential scheme would be contrary to this emerging policy.
- 4.3.9 Policy 'NEx' contains similar provisions to Policy 14 above requiring that schemes affecting nationally designated biodiversity sites, including SSSIs, will only be granted where adverse impacts can be satisfactorily minimised.
- 4.3.10 Paragraph 48 of the National Planning Policy Framework (NPPF) provides advice on weight which might be given to emerging policy having regard to:  
(a) The stage of preparation the plan has reached;  
(b) The extent of unresolved objections; and  
(c) The extent to which the proposed new policies are consistent with the NPPF.
- 4.3.11 With regards criteria (a), the plan is well advanced. It is at Examination, following the Hearings and further main modifications have been issued by the Inspector. Notwithstanding this point, none of the Inspector's various queries affect the key land-use policies of the emerging Plan most relevant to this proposal.
- 4.3.12 With regards criterion (b), Policy SP2 (settlement hierarchy) is not subject to significant objections, in particular in relation to Royston's proposed designation or boundary. There are no outstanding objections from statutory technical consultees although the applicant has objected. The proposed Main Modifications and the Inspector's further hearing sessions include revisions to and further consideration of this policy. However, neither the proposed status of Royston nor the extent of the settlement limits are issues the Council have been asked to review at this time.
- 4.3.13 Policy CGB1 is similarly subject to only a small number of objections, including from the applicant. To date, the proposed Main Modifications and Inspector's actions relate to relatively minor alterations and do not seek to fundamentally alter the types of development permissible in the Rural Area. No request has been made to review the extent of the Rural Area designation around Royston.

- 4.3.14 The Inspector has asked the Council to clarify its policies in relation to the hierarchy of designated biodiversity sites and an additional hearing session has been heard. However, this does not detract from the status of Therfield Heath as a SSSI or the emerging Plan's proposed approach of affording it a level of protection commensurate with its nationally important status.
- 4.3.15 The applicant has additionally objected to the omission of this site from the Local Plan, although it was not previously promoted during the preparation of the plan. The Inspector has not considered any omission sites through the examination process.
- 4.3.16 In terms of criterion (c), a number of the proposed main modifications arising from the examination are to ensure this consistency is present throughout the plan. Weight should be attributed to the relevant policies of the emerging Plan in this context.
- 4.3.17 The ELP is now well advanced and the local plan Inspector had issued their proposed further main modifications and following the additional hearings earlier this year, do not substantively challenge the key policies in this case, notably **CGB1** and its related policies (**SP5**, **NE1**), aimed at recognising and protecting the intrinsic value of the countryside. Further, Saved **Policy 6** (Rural Area beyond the Green Belt) and **Policy 21** (Landscape and Open Space Patterns in Towns) are broadly compliant with the NPPF, specifically but not exclusively paragraph 170 (b) in its aim to promote this principle and paragraph 127 as it relates to design principles and the need to respect landscape setting. Given this general alignment with the NPPF and the advanced stage of ELP preparation (modification), significant weight is attached to both saved Policy 6 and 21 and the equivalent ELP policies in this regard.
- 4.3.18 In most circumstances, where an Authority cannot demonstrate a 5 year supply of housing land and the adopted plan is out-of-date, (or otherwise silent or absent) **paragraph 11** of the NPPF sets out a presumption in favour of sustainable development for decision makers on planning applications as follows:
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 4.3.19 It is acknowledged that the Council is unable to demonstrate a 5 year housing land supply and at the time of writing this report, the latest figure stands at 2.2 years as of April 2020 (as outlined in the Council's most recent response to the Inspector 'Examination Document ED191B Appendix 1 NHDC 5 year Housing Land Supply at 1 April 2020') which is a **significant and serious deficit**. This significant and acute shortfall of housing land supply reflects a historic chronic under supply of housing compared to targets over the past 9 years or so and reflects the severe mismatch between the Government's 'standard method' (which forms the basis of the five-year requirement in the absence of an up-to-date plan) and anticipated supply from 'deliverable' housing sites in the coming years.
- 4.3.20 With regard to the Council's current housing land supply, it is noted that since 2011 (the start date for the planning period in the Emerging Local Plan), housing completions have been on average 313 dwellings per year, with the highest completions in 2016/17 with 539 units and the lowest in 2014/15 with just 180 completions. Until the ELP is adopted, the Council's 5 year housing land supply for decision-making purposes and Housing Delivery Test results are based on the premise that between 700-1,000 dwellings should be provided per year. Past delivery has been significantly below these levels and this clearly demonstrates a significant shortfall of delivery over a period of 9 years.
- 4.3.21 The Housing Delivery Test (HDT) is a requirement of national policy. The Action Plan details the steps being taken to improve housing delivery in the District. The first HDT results were published in February 2019. The latest results were published in February 2020. The latest Action Plan was approved by the Council's Cabinet in June 2020. It is acknowledged that North Hertfordshire delivered 44% of the homes required in the three-year period 2016-2019. Paragraph 80 of the Action Plan states:
- "Continuing to grant permission for suitable schemes in advance of the new Plan's adoption will ensure an ongoing supply of new homes until such time as the largest, strategic sites come on stream. Taking greater ownership of the Council's growth agenda and proposals would allow for more proactive negotiation of (prospective) schemes to ensure they can proceed through the planning system without unnecessary delay."***
- 4.3.22 The applicant's planning statement argues that planning permission should be granted unless the adverse impacts of the proposal significantly and demonstrably outweigh the benefits in accordance with Paragraph 11(d)(ii) of the NPPF. I consider this would only be the case if the application clears the bar set by the preceding limb of Paragraph 11(d).
- 4.3.23 Paragraph 11(d)(i) and accompanying footnote 6 of the NPPF make clear that SSSIs are 'areas or assets of particular importance' which may provide a clear reason for refusal. Paragraph 175 of the NPPF states that proposed development outside of a SSSI likely to have an adverse impact should not normally be permitted. Although the exact words differ, this is also the broad thrust of saved Policy 14. An exception should only be made where the benefits of the development clearly outweigh the impacts. This 'public interest' test overrides the 'tilted balance' in favour of permission that would otherwise be in operation. Notably there is no minimum threshold of 'adverse impact' at which the public interest test is engaged.



- 4.3.24 The SSSI is subject to recreational pressures and Natural England have previously lodged objections to other schemes in and around Royston through both the Local Plan and Development Management processes. The comments in the applicant's supporting statement and the provision of an alternate access via Echo Hill are noted.
- 4.3.25 A relatively large area of open space is proposed within the application site which could operate as an alternative natural greenspace and alleviate demand for use of the Heath whilst mention is also made of potential contributions towards mitigation measures.
- 4.3.26 Regardless of whether a 'tilted balance' or 'public interest' test is ultimately applied, it will be necessary to give consideration to the benefits and harms of the proposed scheme.
- 4.3.27 Benefits would be derived from the delivery of a substantial number of new homes (including affordable homes, see below) and the associated economic benefits. These would contribute to boosting housing supply in line with the framework. There are also benefits to be derived from the proposed area of open space and associated links which would be available to the wider community.
- 4.3.28 Potential harms include conflict with existing and emerging Plan policies and the environmental harm arising from the encroachment of development onto currently undeveloped land to the south of Royston. This site occupies a relatively elevated position. It is recognised that the provision of open space at the south-west of the site is a means of reducing this harm and that the scheme has been amended from the previous application in order to address the reasons for refusal.
- 4.3.29 The previous scheme refused in 2018 had the proposed access to the site crossing the SSSI boundary as it follows the alignment of the existing bridleway up Briary Lane. While this incursion would have relatively minor, it would have undoubtedly occasioned an urbanising effect in terms of traffic activity, lighting and general appearance etc. Accordingly, there would be some 'adverse' effect.

In those circumstances the decision maker was required to consider whether the benefits of the proposed development outweigh the likely adverse impact. This was not a tilted balance as set out in paragraph 11 rather a neutral evaluation. However given the proposed development is not subject to crossing the Bridleway, Along with the removal of the proposed Emergency Access from the Bridleway the tilted balance in my view is now engaged. Any identified harm of the development must now **significantly and demonstrably outweigh the benefits** when assessed against the policies as a whole. The harm and benefits in the tiled balance will be discussed in sections below.

### **Summary**

- 4.3.30 **At the time of determination, the Council's ELP has not yet been formally adopted but has reached an advanced stage, being currently subject to consultation on proposed further modifications. Given this advanced stage, significant weight can be attributed to the policies in the ELP, specifically those which seek to recognise and protect the countryside for its own sake (SP5, NE1 and CGB1). In addition, Saved Policies 6 and 21 may also be afforded weight insofar as they clearly act to protect the intrinsic beauty of countryside and the sensitive edges of the town – aims consistent with the NPPF. Further, the advanced stage of the ELP and the steps therein to address any housing shortfall dictate that less weight can now be attributed to the benefit of housing delivered on unallocated sites such as this.**
- 4.3.31 **A large residential scheme would clearly be contrary to the saved policies of the Development Plan. However, the Council cannot demonstrate a five-year supply of land and 'the policies which are most important for determining the application' must be viewed in this context.**
- 4.3.32 **The scheme would also be contrary to the provisions of the emerging Plan. This is relatively advanced and, to date, the Council has not been asked to revisit the fundamental policy principles affecting this site or find additional potential housing allocations.**
- 4.3.33 **However, at present the Council cannot demonstrate a five-year land supply for decision-making purposes. Housing Delivery Test results are 'substantially below' the levels required under the transitional arrangements in Paragraph 215 of the NPPF. This triggers the requirements of paragraph 11(d) the NPPF.**
- 4.3.34 **Accordingly, the determination of this application rests on the resolution of a balance between the harm occasioned by the proposal, principally in terms of its conflict with policies seeking to protect the intrinsic character of the countryside and any other harm, and the now diminished benefits associated with the delivery of unplanned housing and associated infrastructure. The resolution of this tilted balance is set out later in this report.**

### **Environmental Impact Assessments – Not required**

- 4.3.35 **A representation was received in March 2021 from Richard Buxton on behalf of the *Say No to Gladmans Action Group* requesting that the proposed development should be subject to a new Screening Opinion in regards to Environmental Impact Assessment (EIA) Regulations.**
- 4.3.36 **It should be noted that the proposed development does not fall within Schedule 1 of the EIA Regulations and does not therefore require a mandatory Environmental Statement (ES). The proposal also does not fall within Schedule 2 section 10(b) which relates to "Urban Development Project". The proposed development does not exceed the thresholds under section 10 (b) by reason of the proposed development is outlined at up to 99 dwellings and having an overall built form covering an area under 5 hectares.**

- 4.3.37 A screening opinion was submitted as part of the previous application (18/02797/SO) for a residential development for the erection of up to 107 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Briary Lane. The screening opinion concluded as follows:

***“The Local Planning Authority recognises that the EIA Planning Practice Guidance states that only a very small proportion of Schedule 2 development will require an assessment. The Planning Practice Guidance (2014), states that the exclusive thresholds offer only a broad indication of the scale of development which is likely to be a candidate for EIA, but that the requirements need to be considered on a case-by-case basis. In terms of urban development projects (Column 1 10 (b)) the guidance states that EIA assessment is unlikely unless the new development is on a significantly greater scale than the previous use or the types of impact are of a markedly different nature. In this case, although the proposed development would be on a greater scale than the existing agricultural use and would be of a markedly different nature, it would not be of a scale or a nature to justify the need for an EIA. This view is reinforced by the sub threshold nature of the number of dwellings (significantly less than 150) and the limited extent of the built form (less than 5 Ha). The requirement for screening rests solely on the amount of open space included within the application red line area.”***

- 4.3.38 It is therefore the LPA opinion that a screening opinion is not required in this instance as the adopted screening opinion for the larger scheme also applies to this proposal.

#### **Previous reasons for refusal (18/00747/OP)**

- 4.3.39 This section will outline how the applicant has attempted to overcome the previous reasons for refusal as part of the current planning application.

##### **Site Constraints and landscape impacts including SSSI**

***1. By reason of its prominent position and the topography of the site, the proposed development would be likely to result in significant localised adverse impacts on both the character of the area and visual receptors. While these impacts could be mitigated to a limited extent, the combination of residential built form on high ground and the associated urbanising infrastructure, including the proposed new road access over the Common and development breaking the skyline, would act to occasion a marked and adverse change in the character of the immediate and intermediate locality and wider valued landscape. This adverse impact would represent conflict with the aims of the NPPF and Policies CGB1, SP5, SP12c NE1 and NE6 of the emerging local plan and Policies 6 and 21 of the Saved local plan. This conflict would amount to significant and demonstrable harm that is not outweighed by any other material considerations or benefits.***

- 4.3.40 The development site is prominently the same as the previous scheme other than a new access of Echo Hill. It is still located on the scarp slope to the south of Royston adjacent to Therfield Heath. The land slopes steeply northwards with contours ranging from about 120 metres down to 95 metres. The upper slopes are likely to be visible from longer views to the north.
- 4.3.41 The previous access along the Bridleway has been removed from the application site. Initially an emergency access was proposed to use the Bridleway as a means of a secondary access to the site. However, following consultation with the Highways Authority an Emergency access is not required because the development site along with the existing dwellinghouse on Echo Hill do not meet the minimum dwellinghouse number requirement to warrant a secondary access.
- 4.3.42 The above reason has been part overcome by the removal of the access along the Bridleway which is in part located within and adjacent to the SSSI. On this basis the site does not encroach the SSSI.
- 4.3.43 The LVIA submitted in support of the application concludes that ***'the proposed development and associated green infrastructure are of a relatively modest scale and nature in the context of Royston and could be accommodated within the site and local landscape with limited and localised landscape and visual effects'***.
- 4.3.44 In relation to the landscape impact of the development, as part of the current application a LVIA was submitted which was reviewed by an Landscape Consultant on behalf of the Council.
- 4.3.45 The main differences (in landscape terms) of the current application 20//00744/OP compared to the previous refused application 18/00747/OP are:
- a) A reduction from an upper limit of 120 units (later reduced to 107) in the 2108 application to an upper limit of 99 units in the current application.
  - b) The main access point has changed from Briary Lane to Echo Hill, which necessitates the demolition of one property to access the site. This means there should be less of an effect on the existing trees adjacent to Briary Lane and its existing informal rural character. This is a benefit of the current application in landscape terms as it reduces the effects on Briary Lane as a right of way, its character up to Heath Farm and on the immediately adjacent parts of Therfield Heath. However, the introduction of a new access point on the site of 24 Echo Hill would introduce a new engineered access point within the existing settled suburban setting and bring some adverse townscape and visual effects on the environment and on local residents.
  - c) A reduction in the extent of the residential areas shown on the Development Framework plans (7407-L-023 E compared to 7407 – L- 03 I in the current application). This mainly affects areas at the interface of residential land with areas of proposed open space. However, this is partly presentational as the largest area of additional open space in the current 2020 application is in a location where open space and a play area were already included in the 2018 application on the Indicative Plan.

d) The Indicative Site Plans (figure 30 in the current DAS and Figure 32 in the 2018 DAS) show a slightly lower density across the site in the 2020 application. Changes in layout include:

- Units backing on to Royse Close are set sideward to reduce overlooking.
- Units are set back to the south of the SuDS to the north west corner giving more space to Heath Farm and Willow Cottage overlooking the site.
- Houses to the north east corner face onto an access road rather than backing onto the neighbouring development at Layston Park.

4.3.46 Landscape Partnerships concluded the following:

***On balance TLP consider that in landscape and visual terms the proposed development would result in some localised significant adverse effects. Effects on landscape character would be most notable on the Site and immediate area extending up to Therfield Heath (c 250m distance). Notable visual effects in the medium term from Year 15 are from Therfield Heath (Viewpoint 10) and along Briary Lane/Bridleway Royston 13. These effects result from placing built development at an elevation higher than the adjacent residential areas. The scheme includes a generous provision of open space that would be accessible to the public and provide for green infrastructure benefits. The proposed planting would in part help to assimilate the development in the medium to long-term from the adversely affected locations on Briary Lane and Therfield Heath. However, there would still be a net adverse impact on the site and distinctive local setting of the landscape at this edge of Royston.***

***Notwithstanding the information provided within the DAS and the fact this is an outline application due to the sensitive location on the upper scarp slopes there is still a good case for a more innovative design solution to the design for the units to help assimilate a scheme within the landscape setting, while still respecting the parameters set out in the DAS relating to the extent, height and mass.***

4.3.47 It is my view that the provision of up to 99 dwellings on currently open land would, inevitably, result in a significant change in the character of the site, impacting on the wider landscape. However, the proposals include significant mitigation measures to seek to minimise any harm to the local landscape and visual harm, large areas of open space; a significant amount of tree planting and the proposals in a reserved matters application can be sensitively designed and laid-out to take account of the site's location within the wider landscape.

- 4.3.48 As per the conclusions above, there is identifiable harm in landscape terms. However, a reason for refusal on its own due to the significant effects being relatively localised (short section of Briary Lane) and one view from Therfield Heath it is in my opinion that a refusal based on landscape grounds alone would be difficult to defend at appeal. The Council's appointed landscape consultant who has provided evidence at public inquiry for the Council on the issue of landscape and visual impacts for successful appeals at Offley and Pirton for example, supports this view. There are still significant adverse effects on landscape character but these are at a local/site-based scale. There remain significant effects on residential properties adjacent to the site but this should not in itself be a reason that would be likely to be determinative on appeal. In essence I am of the view, supported by the Council's appointed landscape and visual impact consultant, that the issues of landscape visual impact alone does not significantly and demonstrably outweigh the benefits of delivering new homes on this site (NPPF para 11 test).
- 4.3.49 In particular the new photomontages illustrate that with the amount of open space and areas of tree planting proposed (which could be fine tuned by condition) the scheme does become more acceptable in the medium-term as illustrated by Year 15 images. I think this is a material consideration and one that an inspector may take on board in the planning balance (including factors such current as 5 year land supply).

#### Open Space Provision

***2. Natural England has advised that there is no acknowledgement of the impact on the SSSI within in the Ecological Appraisal and therefore consider this document to be incomplete. It is extremely important that direct impacts upon the SSSI are accurately quantified and assessed. In the absence of a separate SSSI Impact Assessment in this case, the potential for significant adverse effects has not been adequately evaluated such that would demonstrate compliance with the provisions of NEx and NE6 of the emerging local plan and the NPPF.***

- 4.3.50 Therfield Heath SSSI is an important natural resource both in ecological terms and as a place for both formal and informal recreation. Natural England (NE), in its role as the statutory body responsible for advising on sites of special scientific interest (SSSI) has hitherto expressed concerns about the harm additional residential development might have on the Heath. In particular NE is concerned about the impact of dog walking on the fragile heathland ecology.
- 4.3.51 The development itself would give rise to more general pedestrian use of the SSSI. Accordingly, there would be some 'adverse' effect. A contribution towards management of the Heath for a Warden has been secured in the S106 for the sum of £500 per dwellinghouse to mitigate against any harm to the SSSI.

- 4.3.52 The proposal includes the provision of a significant quantity of open space as part of the development which would not only serve the needs of the new residents but return an area of arable farmland back to heathland for the wider enjoyment of all, is a potentially a social and environmental benefit in the planning balance. This new open space has the potential to draw future occupiers of the development and others in the vicinity to use this new open space to relieve additional pressures from the use of the Heath. With the removal of the main access and previously proposed emergency access as part of this application from crossing the SSSI boundary along the Bridleway and the provision of open space in part will mitigate / minimise landscape and SSSI impacts. Appropriate future management arrangements for these facilities would need to be demonstrated and secured through both the S106 and reserved matters application. *With the mitigation in place (green infrastructure and S106 for a co-operation fund with other developments for a warden with £49,500 for this development)* I am of the view that, subject to suitable obligations delivering funds for management activity on the Heath and the submission of an appropriately specified landscaping scheme at the reserved matters stage (see 4.3.13 above), the proposed development would not have a detrimental impact on the Therfield Heath SSSI.
- 4.3.53 In these circumstances the decision maker is required to consider whether the benefits of the proposed development outweigh the likely adverse impact.

Access and Highways – bus routes and connectivity

**3. DfT's Inclusive Mobility, HCC's Passenger Transport in New Developments, The Chartered Institution of Highways Transportation (CIHT) guidance 'Buses in Urban Developments' published in January 2018 and the 'Roads in Hertfordshire Design Guide' (3rd Edition January 2011) state that development layouts should be designed such that all occupied areas are no more than 400m walking distance from a bus stop. There are no bus stops within 400m of the proposed development and to be considered sustainable any new or rerouted service to the proposed housing must have a good chance of being commercially viable after developer pump-priming contributions have been exhausted. The Highway Authority has examined the options for servicing the development route by route in order to establish the viability of the public transport options in the longer term. It has concluded that it is unlikely that a satisfactory route would be available in the longer term. Accordingly, it is considered that the proposed development would be unlikely to benefit from a satisfactory bus service beyond the short term with residents being denied access to high quality public transport contrary to the aims of the NPPF, Policy T1 (assessment of transport matters) of the Emerging Local Plan and HCC's Local Transport Plan 4.**

- 4.3.54 The proposed site is still some distance away from a current bus service. Due to the location of the development most of the residents would be more than 900 metres from the existing bus stops in Baldock Street to the north and Barkway Street to the east. As part of the previous application, consultation with Herts Highways highlighted that to resolve this accessibility problem it would be necessary to route an existing bus service through to within 400 metres (bus stop) of the new residential area. National and local guidance (including DfT's Inclusive Mobility and HCC's Passenger Transport in New Developments) recommends that new developments are located no more than 400 metres walking distance from bus services. However, it was demonstrated that a rerouting of an existing bus service was not a viable option for a development size of under 100 dwellings.
- 4.3.55 However, since the previously refused application a new solution has been promoted by Hertfordshire County Council - Demand Responsive Transport Service. This service is designed to improve transport in predominantly rural areas. These areas are currently under-served by fixed-route bus operators, which operate infrequently and provide limited coverage and hours of service. The DRT service is designed to improve connections between rural areas and town centres, as well as expand access to employment, education, healthcare, and shopping. The DRT service will help to reduce social isolation and improve accessibility for transport-disadvantaged people in the focus area, particularly people who have access to neither private cars nor public transport. DRT aims to substantially improve both the range and choice of destinations available when compared to the existing bus services. The DRT service will offer passengers shorter wait times, shorter walking distances to pick-up locations, and shorter average journey times to key destinations. These outcomes are closely linked with the County Council's strategic objectives of reducing congestion, growing public transport patronage, and improving rural accessibility.
- 4.3.56 The Highway Authority's passenger transport unit (PTU) has commented as follows on the proposal:

***Hertfordshire PTU prefer to secure the bus service contribution for Demand Responsive Transport [DRT] service in the area. This would enable the development site be served by bus services when and where is needed therefore, the bus service contribution would last longer and residents would benefit more from bus services a financial contribution of £120,000 has been calculated in consultation with the HCC Transport, Access and Safety Team to determine financial contributions towards improved bus services and facilities to provide a DRT to serve the development.***



4.3.57 The S106 contribution will allow the current DRT coverage area to be extended to cover the proposed development site (enabling residents of this development proposal to access the service), therefore it is my view this change in County Highways policy and DRT project has overcome the previous reason for refusal. Indeed, the County Council (Highway Authority) have removed their objection to this development proposal on this basis. They consider that the contribution of £120,000 towards an extension of the proposed Demand Responsive Service to include this development site overcomes their previous objection to the earlier scheme of being located more than 400m from an actual physical bus stop. To refuse planning permission on this basis the Council would need to rely on the evidence of the Highway Authority as the statutory consultee and clearly since they no longer object to the development proposal the Council would not be able to rely on their support in any reason for refusal. Moreover, access to the public transport network and the provision of DRT service are matters for the highway authority to consider.

#### Lack of a S106

***4. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance - toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF)***

4.3.58 The fourth reason as stated above has been overcome by an agreed in principle S106 which is awaiting final sign off. The Heads of Terms of the S106 have been outlined in section 4.3.105 below.

#### **Planning Issues**

4.3.59 The following section discusses the remaining planning issues that are relevant to this proposed scheme. I have separated the key issues into six sections, whereby I will discuss both the harm and benefits and conclude with a separate planning balance:

- Proposed access and proposed upgrade to pedestrian routes
- Proposed scale of development and housing mix
- Environmental Issues - including noise, drainage and contamination and waste, ecology, archaeology
- Impact on neighbouring properties and future living conditions
- S106 and mitigation
- Discussion, Planning Balance and conclusions.

### **Access and Highway issues**

- 4.3.60 This is an outline application with all matters reserved except for means of main site access. Access is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) ("GPDO") as *"the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network"*.
- 4.3.61 Further interpretation of this consideration can be found within policy T1 of the ELP. Policy T1 is considered consistent with the NPPF, and states that permission will be granted provided that the development would not lead to highway safety problems or cause unacceptable impact on the highway network. The policy continues to state that sustainable transport infrastructure measures and improvements will be sought. The proposal does not meet the policy threshold for a transport statement, however the applicant must demonstrate how, as far as practicable, the proposed scheme would be served by public transport; provide safe, direct and convenient routes for pedestrians and cyclists, and be comprehensively integrated into the existing pedestrian and cycle, public transport and road networks.
- 4.3.62 The proposed vehicular access has been raised multiple times within neighbour representations made through the duration of the consideration of this application. Representators believe that the use of Echo Hill as a means of vehicular access would harm the safe use of the highway. Existing occupiers of Echo Hill are concerned about the access point, and the capacity of Echo Hill to accommodate additional traffic and construction vehicles, bin lorries and other vehicles.
- 4.3.63 Objections have also been received following the inclusion of the Emergency Access by the applicant at submission of the application. Following consultation with Herts Highways, HCC Rights of Way, along with discussions with Herts Fire and Rescue, an emergency access is not required for this scale of development, therefore the emergency access was removed from the proposal.
- 4.3.64 Following the removal of the emergency access a number of representations were received requesting that any development should ensure a secondary access however not to use the existing bridleway.
- 4.3.65 Hertfordshire County Council as Highways Authority consider that

***The development is considered to be in accordance with both the National and local Policies. Therefore, the Highway Authority's formal recommendation is to grant approval subject to the recommended planning conditions and s106 Agreement (addressing Public Transport improvements and Travel Planning). The applicant will also need to enter into S278 & 38 Agreements with the Highway Authority which comprises of the design, construction, implementation and adoption of highway works within the existing public highway and adoptable highway works on third party land.***

***The layout of the proposed junction would be subject to a Stage One Road Safety Audit as part of the technical audit procedure. The junction arrangements will need to be secured by a s278 Agreement.***

**Internal Road Layout**

***The Internal road layout for the outline application is to be the subject of reserved matters application(s). A principal access road will form the main vehicle access to the development with connections to a number of side access roads.***

***Any subsequent application should outline whether the internal roads will be subject to a s38 agreement. All roads that are intended to be adopted should be designed in accordance with guidance provided in Roads in Herts Design Guide. Detailed drawings of the proposed internal road layout will need to be submitted and approved by the HCC prior to the commencement of the development.***

**Pedestrian Access**

***The indicative Sun Hill Pedestrian Improvements fpcr layout drawing 7407-T-11, 7407-T-12, AH1517/28 revision A and AH 1517/29 revision A indicates a network of proposed work to public footways emanating from proposed development. The detailed layout and the type of materials used for these paths will need to be provided in any subsequent application.***

**Cycle Access**

***Due to the desire to create a comprehensive cycle network in Royston, any public paths capable of being widened should also be designed to be used by cyclists and should provide connections to the local highway network in order to create a continuous cycle network.***

- 4.3.66 The proposed vehicular access point is via the demolition of an existing property on Echo Hill (No. 24). A principal access road is proposed to form the main vehicle access to the development with connections to a number of side access roads.
- 4.3.67 The vehicle parking requirements for the development would need to meet the standards in the Vehicle Parking at New Development SPD. This aspect of the design could be agreed at a reserved matters application. The DAS has shown a mixture of front access private drives, attached and detached garages.

**Summary**

- 4.3.68 **The means of access would, subject to mitigating conditions and planning obligations, be able to accommodate the development proposed without harm to the safe use of the highway and successfully connect the proposed dwellings to essential facilities without the requirement for independent vehicles. As such, it is considered that the means of access would be capable of accommodating up to 99 dwellings in a sustainable fashion.**

**Proposed scale of development and housing mix**

- 4.3.69 While this is an outline application, it is incumbent on the Authority to consider the form a development proposal might take, including mix and basic scale parameters. These considerations are lent additional weight by the sensitivity of the site being at the top of the scarp slope overlooking the Heath.

- 4.3.70 Under the provisions of the new plan, Royston is identified in **Policy SP2** as one of a number of towns towards which the majority of future development will be directed. However, this site lies beyond the proposed settlement boundary and has not been allocated for future development. Therefore as part of the ELP it is proposed to retain the site within the Rural Area.
- 4.3.71 **Policy 9** of the saved local plan states that the Council will refuse development proposals outside of the Royston's development limits boundary unless they are acceptable in the rural area. A substantial residential scheme would not meet any of the criteria set out in Saved **Policy 6** which covers the rural area beyond settlement boundaries.
- 4.3.72 **Policy CGB1** of the submitted Plan sets out the general forms of development that will be supported in the rural area. These are similar to the provisions of saved **Policy 6** and a major residential scheme would be contrary to this emerging policy.
- 4.3.73 As part of the application proposal the Council raised a number of concerns in regards to the level of development in terms of density, height and scale. Following the refusal of the previous scheme and a further Pre-Application process with the applicant, the developable site area for housing (shown on the illustrative plan) was reduced to **up to 99 dwellings** (reduced from up to 120 dwellings originally proposed in the previous scheme) with associated streets, private gardens and parking spaces. Different densities of dwelling numbers are shown in the DAS from lower density in the higher more sensitive areas and the higher densities situated in the north eastern corner that backs on to Echo Hill and Layton Park.
- 4.3.74 As a consequence of the topography of the site, the dwelling heights could potentially have significant visual impacts on the landscape – particular in local views. In the submitted DAS, the dwellinghouse will have a maximum of 2 storeys (maximum height of 8.25 metres) with 1 (5.5 metres in height and 1.5 (7 metres) storey dwellings in more sensitive landscape areas.
- “careful consideration would be made to the placement of the different building heights on certain areas of the site in order to reduce the potential impact, for example to place the single storey dwellings on the higher ground”.***
- 4.3.75 Saved Policy 29A on affordable housing only relates to the urban areas so it cannot be applied in this instance. It is also a percentage requirement relating to a time-expired assessment of housing need. However, this is a relatively moot point as the scheme is proposing up to 40% affordable housing provision in line with the requirements of Policy HS2 of the emerging plan. The provision of a significant quantum of affordable housing is a benefit to the scheme to be considered in the balancing exercise.
- 4.3.76 Affordable housing is offered in line with the provisions of emerging policy **HS2** of the ELP, as there is sufficient evidence of the housing need. Accordingly, any scheme of 25 units or more would require a contribution of 40%. The tenure ratio would normally be 65% rented 35% other (shared ownership etc). The Council's Housing Development Liaison Officer was consulted on the application. The full requirement has been outlined in the S106 section (4.3.)

- 4.3.77 Emerging Policy HS3 requires an appropriate housing mix and sets out an initial assumption of 60% larger (3+ bed) and 40% smaller (1 or 2-bed) homes for most edge-of-settlement sites. A broad density of 27 dwellings per hectare, as proposed in the development framework, should be capable of accommodating a mix of this nature and the application description of 'up to 99 residential dwellings' is not unreasonable in this regard. "Up to" provides the necessary flexibility to deal with any issues arising at the reserved matters stage.
- 4.3.78 It is my view that the housing mix of the site is critical in meeting the needs of Royston. Policy **HS3** states that an appropriate range of housing types and sizes be provided which take into account the findings of the most up-to date evidence including the most recent Strategic Housing Market Assessment (SHMA), the Councils Self Build Register and other relevant evidence of Housing Need. Current evidence suggests it is most appropriate to target a broad balance between smaller (defined as 2 bed or less) and larger (3 bed or more) homes. The emerging plans states that (para 8.20) ***on most suburban and edge of settlement sites, applicants should therefore make initial assumptions of 60% larger (3 plus bed) and 40% smaller (1 or 2 beds) homes to ensure an overall mix.***
- 4.3.79 The most appropriate solution to housing mix would need to be on a site by site basis. Due to the site constraints the percentage ranges could be modified as it may be deemed inappropriate to include the number of flats on the site. However the proposal to include a number of bungalows could accommodate the smaller dwelling sizes.
- 4.3.80 Although housing Mix is to be considered as a reserved matter. It is important to agree the percentage breakdowns for housing mix, of both affordable and market housing, as there has been in the past a disproportionate provision of larger properties. It is important to reverse and address this trend so we don't exacerbate the existing problem in Royston. In line with Policy HS3 a housing Mix has been included within the S106 and agreed by the applicant.

### **Summary**

- 4.3.81 **The site is located outside the settlement boundary of Royston and conflicts with policies in the saved local plan and ELP. The applicant has reduced the dwelling numbers following the previously refused scheme in order to reduce the potential impacts on the landscape. The applicant has also offered the full 40% of affordable housing in line with the policies in the ELP. The housing mix has been agreed in line with policy HS3 and is included in the agreed S106.**

### **Environmental Issues**

The sections below will discuss the different environmental issues.

#### Loss of Agricultural Land

4.3.82 Paragraph 112 of the NPPF states:

***"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land, Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."***

4.3.83 Agricultural land is graded by the Agricultural Land Classification (ALC) which grades land to assess and compare the quality of the agricultural land at national, regional and local levels. It assesses the potential for land to support different agricultural uses, such as growing crops for food and does not consider the land's current use. Land is graded from 1 – 5 with Best and Most Versatile (BMV) agricultural land being land in the grades of 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non-food crops for future generations

4.3.84 From checking the Natural England website appears that the application site comprises grade 3 agricultural land - good to moderate. It is not specified whether the site is classed as 3a and therefore best and most versatile agricultural land. At over 5 ha the site area is lower than the 20 ha threshold that would require Natural England to be consulted. However, it is considered that the loss of just over 5 hectare of grade 3 agricultural land would not be a sustainable reason grounds for refusal in this instance.

#### Drainage and flooding

4.3.85 The site is located in Source Protection Zone 1 (SPZ1) and is considered to be of high sensitivity so could present potential pollutant/ contaminant linkages to groundwater. However The Environment Agency consider that both the previous use and the proposed use present a low risk to ground and surface waters.

4.3.86 A number of residents raised concerns in regard to the potential risk to the aquifer that a residential development could potentially have. Following consultation with both the Environment Agency, LLFA and the water authorities no objections were raised given the level of development and along side the relevant documents submitted as part of this application.

4.3.87 A Flood Risk Assessment and Preliminary Drainage Strategy were submitted as part of this application. The LLFA was consulted and stated that;

***"we have no objection in principle on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk."***

4.3.88 Conditions and informatives have been recommended by the LLFA. The Environment Agency has recommended a number of conditions if planning permission is granted.

#### Contamination, noise and air quality

- 4.3.89 The Environmental Protection Team has advised that there are no objections in terms of land contamination and local air quality or noise. If permission is granted then a recommendation for the inclusion of requirement for specific conditions have been included.

#### Waste

- 4.3.90 Representations were received from the Local Authorities Waste department. In the instance of an approved scheme a condition and informative are recommended to be included that request the details of all waste facilities and circulation routes to be agreed before commencement of any development on site. This is a matter that can also be agreed at any reserved matters application stage.

#### Landscape and open space

- 4.3.91 As part of the proposal a large part of the site is to be open space. As stated in the DAS approximately 5.24 hectares is proposed to be green infrastructure within the site. The public open space (POS) would be located within the central and south-west quadrant of the site. Existing hedgerows will be maintained around the boundary and through the site where possible. The application includes a proposal to create new areas of grassland, woodland, scrub and wetland areas that would contribute to local biodiversity and also provide opportunities for formal and informal recreation. An equipped play area is also proposed to serve the new residents. New pedestrian routes across the site would link the existing public rights of way which could include circular dog walking routes, drawing people away from the Heath and its more sensitive ecology.
- 4.3.92 Saved **Policy 21** states that development within areas covered by the **Landscape and Open Space Patterns in Towns** designation will normally be refused where it would have a significantly detrimental effect on the character, form, extent and structure of the pattern. Should development be considered acceptable against this test, a number of further criteria are set which, broadly speaking, require the retention and reinforcement of the landscape and open space pattern and encourage their management and use for recreation.
- 4.3.93 Therefore, its return and management as a chalk heathland habitat, accessible to the public, has some value beyond simply mitigating the impact of the new development. This is a potentially notable **social** and **environmental** benefit in the planning balance.

#### Ecology and Biodiversity

- 4.3.94 The application site is largely agricultural in nature and while the peripheral tree belts will continue to provide valuable habitat, the interior developable area offers little in terms of biodiversity. This said, the development of agricultural greenfield sites offers an opportunity to enhance biodiversity and good planning dictates that these opportunities should be taken. Accordingly, I am minded to promote the idea that a condition be imposed which requires the applicant to demonstrate the development of the site and the subsequent management of its public spaces will increase net biodiversity compared with currently assessed levels.

4.3.95 Following consultation with HCC Ecology the following

***"I do not consider there are any demonstrably fundamental ecological constraints related to the application site itself or represented by Therfield Heath SSSI which would justify refusal on ecological grounds, on the basis of the known site history and low value as well as measures proposed to reduce impacts on the SSSI."***

#### Archaeology

4.3.96 The County Historic Environmental Team (HET) had requested that the results of a geophysical survey and archaeological trial trenching evaluation should be submitted prior to determination of the application that was previously refused. This was requested so that a more informed response could be made in regards to the likely impact on any potential heritage assets of archaeological interest.

4.3.97 Following the investigation work which took place in August 2018, the WSI and Trial Trenching Report that covered just over 3% of the site was submitted. The report concluded that no archaeological features that may be of equivalent significance to a Scheduled Monument are present. The HET as part of the current application confirmed that no mitigation would be required in the case that planning permission is granted.

#### Summary

4.3.98 **The site is currently in agricultural use and thus supports limited biodiversity. The development of the site offers an opportunity to improve ecological markers and this improvement should be clearly demonstrated as part of the submission of the reserved matters application.**

4.3.99 **No technical objections are raised to this development by the relevant statutory and non-statutory consultees. Conditions have been recommended by a number of these consultees if permission is to be granted.**

#### **Impact on neighbouring properties and future living conditions**

4.3.100 Layout and design are reserved matters and are therefore not part of this outline application. However, I feel that it is important to discuss the general impacts of any development on neighbouring properties given the topography of the site.

4.3.101 In this regard, I would draw attention to Policy 57 of the North Hertfordshire District Local Plan No. 2 which sets out the residential guidelines and standards for new residential development and alterations and Policy D3 (Protecting living conditions) of the ELP. Policy D3 states that ***"planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions"***.



4.3.102 The indicative scheme shows development contained to the north eastern corner of the site for understandable topographical reasons. However, this identified area for housing has the potential to impact adversely on the reasonable living conditions of the surrounding properties along Echo Hill, not least because of the gradient of the slope.

4.3.103 Policy D3 also states that the “**Council will consider whether there are mitigation measures that can be taken to mitigate the harm to an acceptable level**”. Given the changes in levels, any development would need to be carefully designed so that it would not have any adverse impact on the neighbouring properties in terms of dominance and loss of privacy. I note that this detail can be dealt with in any reserved matters application. However, through negotiations with the developer, the housing along these edges has been afforded larger buffers as shown on the indicative plan with changes to the arrangements of the dwellings. Back to back distances along the northern boundary, with the houses on Echo Hill, would be approximately 25 – 30 metres. Any new properties could be designed to reduce the impact on these neighbouring properties. Along the eastern boundary with Royse Grove and Layston Park, the orientation of properties shown on the indicative plan includes a green buffer, road, then front garden, with the properties facing the eastern boundary with distances of approximately 25 metres to the boundary. Also with the specification of landscaping along this boundary this would help screen the properties further.

#### **Summary**

4.3.104 **It is in my opinion that mitigation measures could be implemented through careful design consideration such that would reduce any potential adverse living condition impacts associated with development at the quantum proposed to an acceptable degree.**

#### **S106 and mitigations**

4.3.105 In considering Planning Obligations in relation to this development the Framework advises that:

***“Planning obligations should only be sought where they meet all of the following tests:***

- ***necessary to make the development acceptable in planning terms;***
- ***directly related to the development; and***
- ***fairly and reasonably related in scale and kind to the development. “***

4.3.106 The section below outlines the Heads of Terms and financial contributions sought by statutory bodies:

Element	Detail and Justification	Condition/Section 106
First (Primary) Education contributions	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the provision of a new first school.</p> <p>Figures are to be based on 99 dwellings and in line with the toolkit</p> <p><b>Permanent expansion of a first school serving the development. Contribution based on Table 2 below (index linked to PUBSEC 175) - £209,474</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	S106 obligation
Middle and Upper Education contributions	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the provision of a new first school.</p> <p>Figures are to be based on 99 dwellings and in line with the toolkit</p> <p><b>Permanent expansion of the King James Academy amalgamated middle and upper school. Contribution based on Table 2 below (index linked to PUBSEC 175) - £414,322 (£193,947 Middle Education contribution &amp; £220,375 Upper Education contribution)</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	S106 obligation

Nursey Education	<p>Towards childcare provision at the First School.</p> <p>Figures are to be based on 99 dwellings and in line with the toolkit</p> <p><b>Towards the provision of a service at the Coombes Community Centre, Burns Road, Royston. Contribution based on Table 2 below (index linked to PUBSEC 175) - £37,430</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	S106 obligation
Childcare Services	<p>Towards childcare provision at the First School.</p> <p>Figures are to be based on 99 dwellings and in line with the toolkit</p> <p><b>Towards the provision of a service at the Coombes Community Centre, Burns Road, Royston. Contribution based on Table 2 below (index linked to PUBSEC 175) - £15,881</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	S106 obligation
Youth Facilities	<p>To update the facilities, in order to support the delivery of the curriculum programme at Meridian Youth centre</p> <p>Figures are to be based on 99 dwellings and in line with the toolkit</p> <p><b>Towards reconfiguring and developing/enhancing the kitchen and connected spaces at Royston Young People's Centre in order to increase the capacity and enable larger numbers of young people to access the training kitchen area and associated provision (index linked to PUBSEC 175) - £6,220</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	S106 obligation

Library Services	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards Royston Library to reconfigure the Children's and Teenage Area in the library.</p> <p><b>Towards Royston Library to reconfigure the Children's and the Teenage Area in the library, creating a more flexible space for children and teenagers, with new flexible shelving and more effective layout. Contribution based on Table 2 below (index linked to PUBSEC 175) - £21,010</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit</p>	S106 obligation
Housing Mix	<p>Housing Mix has been agreed</p> <p><b>Policy HE3 states a need to achieve size mix-split of 60% larger (3+ bedrooms) 40% smaller units (1 and 2 beds).</b></p>	S106 obligations
Affordable Housing	<p>On site provision of 40%</p> <p><b>Within the 65% rented affordable housing element the following tenure mix best meets housing needs, as identified in the 2016 SHMA:</b></p> <p><b>21% x 1 bed flats (6)</b>  <b>12% x 2 bed flats (3)</b>  <b>26% x 2 bed houses (7)</b>  <b>35% x 3 bed houses (10)</b>  <b>6% x 4+ bed houses. (2)</b></p> <p><b>Within the 35% intermediate affordable housing element the following tenure mix best meets housing needs as identified in the 2016 SHMA:</b></p> <p><b>8% x 1 bed flats (1)</b>  <b>8% x 2 bed flats (1)</b>  <b>20% x 2 bed houses (3)</b>  <b>54% x 3 bed houses (8)</b>  <b>10% x 4+ bed houses (2)</b></p>	S106 obligation

	<p>NHDC Planning Obligations Supplementary Planning Document</p> <p>Submission Local Plan Policy HS2 'Affordable Housing'</p>	
Health Services	<p><b>A developer contribution will be required towards the one off cost of recruiting additional clinical personnel for the benefit of the patients at Market Hill Surgery (incl. its sister surgeries) to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £10,000. Payment should be made before the development commences.</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD</p>	S106 obligation
Sustainable Transport contributions	<p><b>Passenger Transport Unit</b></p> <p><b>Bus Service Contribution</b> sum of One Hundred and Twenty Thousand Pounds (<b>£120, 000</b>) (Index Linked) to be spent towards the cost of a Demand Responsive Transport service in the area and directly serving the needs of the occupiers of Development to enable travel to and from the Development. This would enable the Development to be served by bus services when and where is needed</p> <p><b>Sustainable Travel Voucher - £50 per flat unit and £100 per house unit (index linked) )</b> to be given to the residents of each Dwelling to incentivise the uptake of public transport cycling or walking as appropriate to the Development</p>	S106 obligation
Travel Plan	<p><b>Travel Plan to be submitted by the Owner setting out a scheme to encourage and regulate and promote sustainable travel measures for owners occupiers and visitors to the development</b></p>	S106 obligation

NHDC Waste Collection & Recycling	<p>Full contribution based on NHDC Planning Obligations SPD.</p> <p><b>sum calculated by multiplying £71.00 per Dwelling house £54.00 per Dwelling flat (with own self-contained garden) and £26.00 per Dwelling flat (with shared or no amenity space) Index Linked which shall be applied towards the cost of providing waste collection and recycling facilities serving the Development</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD</p>	S106 obligation
Therfield Heath SSSI and Common land replacement	<p><b><i>Therfield Heath SSSI Contribution"</i></b></p> <p><b>Sum of £49,500 (forty nine thousand, five hundred pounds) payable towards the provision of a warden to provide effective mitigation of the impacts of the Development on the Therfield Heath SSSI</b></p> <p>Natural England have previously advised that the level of financial contribution towards mitigation needs to be quantified. Any sum should be proportionate to the impact and relate to a specific form of mitigation which is considered effective and deliverable. Natural England notes from the Ecological Appraisal that the sum put forward is intended for the provision of a warden. NE have previously advised that they would consider wardening to be effective mitigation of impacts upon Therfield Heath SSSI</p>	S106 obligation
Open space/Landscape management and maintenance arrangements	<p><b>NHDC (whom are given first refusal) or a Private management company to secure the provision and long term maintenance of the open space/landscape buffer and any SuDs infrastructure</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>	S106 obligation

Fire Hydrants	<b>Provision within the site in accordance with standard wording</b>  Policy SP7 'Infrastructure requirements and developer contributions'	S106 obligation/condition
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### **Summary**

**4.3.107 A completed section 106 agreement has been compiled and agreed by all parties and awaiting final signatures.**

### **Discussion and Planning Balance**

4.3.108 Section 38 (6) of the 2004 Act requires a Planning Authority to determine applications in accordance with the development plan unless material considerations indicate otherwise. The **'development plan'** in this case comprises policies from the National Planning Policy Framework, the now out of date 2007 Saved Local Plan (DLP). Those policies in the emerging local plan (ELP) which are similar do not form part of the development plan until adoption but are nevertheless material considerations to which significant weight can now be attributed. There is a presumption in favour of the 'development plan' which makes it the first port of call for making any planning decisions. In discharging this responsibility, it is first necessary to identify those policies within the Plan which have a material bearing on the determination of this application. In my view it is principally those policies which seek to protect the countryside for its own sake and safeguard its intrinsic value and that align with paragraph 170 of the NPPF in this regard:

***Planning policies and decisions should contribute to and enhance the natural and local environment by :***

***b) recognising the intrinsic character and beauty of the countryside ...***

4.3.109 The application site is not allocated for housing in the ELP and therefore development in this location must be considered under policies which seek to give effect to the above national directive, namely to safeguard the intrinsic character and beauty of the countryside. These policies include in part, **Policy 6** (DLP saved) and in full **CGB1, SP5, NE1** (ELP).

4.3.110 In my view a fair interpretation of these policies leads to the reasonable conclusion that the proposed development would be in marked conflict with their respective aims, namely to protect the countryside. This conflict amounts to harm in the planning balance. The weight given to this harm is for the Council to ascribe based on the prevailing circumstances, including the status of the development at time of determination and any other material considerations, including the status of the emerging plan (ELP).

4.3.111 This said, it must also be acknowledged that there will be benefits associated with the delivery of housing in this location and it is equally important for the Council to weigh these positive attributes in the context of development plan as a whole, along with the harm, in order to determine whether the proposal overall accords with the provisions of the development plan. Further, it is also incumbent on the Authority to assess whether there are any material considerations beyond the development plan which might also affect the positive balance of a determination. This also includes but is not limited to policies in the emerging plan (ELP).

4.3.112 The ELP is now subject to the local plan Inspector's further modifications. None of these modifications fundamentally disturb the principles underpinning those policies which seek to protect the countryside and focus development toward allocated sites. In the circumstances therefore significant weight is now attached to policies in the ELP specifically those which are relevant to a determination in this case. The site is outside the boundary of Royston and would undoubtedly act to urbanise what is presently a prominent and locally valued landscape on the edge of the Heath SSSI. It is acknowledged that the applicant has made considerable effort to mitigate any adverse impacts by re-considering such matters as building scale parameters and built footprint. However, it is clear from professional landscape advice that urban form of the development itself, would combine to occasion significant adverse visual impacts locally. These impacts would comprise the incursion of built form into open countryside and include consequent traffic activity and lighting. Given the now advanced status of the ELP and its conformity with the NPPF, I attach significant weight to this conflict with related policies therein and thereby the quantum of harm in the planning balance.

4.3.113 The application proposal should also connect with the facilities and services in Royston and beyond by means other than private transport. The promotion of sustainable transport is a requirement of **Policy T1** of the ELP and the NPPF generally. Hertfordshire County Council to not object to the proposed scheme following the implementation of a Demand Response Service which aims to serve the proposed site. In the light of this the proposal is now not in conflict with both policy T1 and the NPPF insofar as they promote access to public transport. Again, I attach significant weight to this benefit in the planning balance.

4.3.114 The delivery of housing per-se is broadly acknowledged as a benefit. It is also acknowledged that while the policies in the ELP now carry substantial weight, any provision of affordable housing beyond the proportion required under saved policies (25%) can be considered an additional benefit. The proposal would deliver 40% affordable housing and I am of the view that some positive weight can be apportioned in this regard. In the light of the ELP's increased weight, I would suggest it would be reasonable to now attribute significant weight to the benefit of affordable housing at 40% and significant weight to the benefit of delivering market housing at a time when the Council can only demonstrate a 2.2 year land supply of deliverable housing sites.



4.3.115 It is also acknowledged that the scheme would deliver a significant area of open space which would undoubtedly offer benefits beyond simply satisfying the needs of the new residential population. It would also return what is ecologically poor farmland back to something which might, over time, be closer to the adjacent Heath in biodiversity terms. This said, the magnitude of this benefit is necessarily limited in the planning balance as it is to some degree extraneous to the development proposed. The loss of farmland to development would generally be regarded as harm in the planning balance and that would be true in this case. However, given the scale of the development proposed I am not persuaded that the loss in this case impacts significantly on the overall balance.

4.3.116 Having identified the principal components of harm and benefit in the planning balance and the relative weight attributable thereto, it falls to establish the relevant scale by which to calibrate their impact on a decision. In this case the tilted balance in favour of sustainable development is assumed.

#### 4.4 Conclusions

4.4.1 In this case the development of this site as proposed would, amongst other benefits, make an important contribution to the Council's housing target to 2031 including delivering a significant number of affordable units for **social rent** in the District. This said, there is clearly some conflict with saved development plan policies and emerging policy. The development would be at odds with Saved Policy 6 (Rural areas beyond the Green Belt) being beyond the current development boundary of Royston.

4.4.2 The Council cannot currently demonstrate a 5 year supply of housing land and this site would help address this shortfall. In the circumstances paragraph 11 of the NPPF requires that permission be granted unless the harm of doing so would **significantly and demonstrably** outweigh the benefits. Having discussed both the elements of harm and benefit above, I am of the view that the resolution of this balance falls in favour of approving this outline application subject to a completed legal agreement securing matters set in the report, including affordable housing and a sustainable transport contribution (s.106) and number of key conditions and informatives, notably those which restrict the height of buildings at reserved matters to 2 storey anywhere on the site (unless they can be robustly justified) and which require the detailed scheme to deliver a housing mix in accordance with Policy HS3 of the emerging local plan.

- 4.4.3 The applicant has had extensive discussions with officers, Hertfordshire County Council and other technical consultees and has prepared a scheme that does not now receive any substantive objections from these consultees. As is set out above this new proposal overcomes all reasons for refusal of the previous planning application. In terms of landscape and visual impact, the Council's appointed consultant does not consider that significant evidence can be presented at Inquiry on the issue of landscape and visual impact alone to tip the planning balance against the grant of planning permission. The test of paragraph 11 of the NPPF whereby any identified harm must significantly and demonstrably outweigh the benefits of delivering new homes cannot in my view be evidenced on any of the substantive points discussed above. Whilst the proposal development does not comply with the specific wording of saved and emerging Local Plan policies at this time and with only a 2.2 year housing land supply, with saved policies from a 1996 adopted Local Plan and an emerging Plan that is not adopted (upon adoption of the new Plan the Council can for a short period at least be able to demonstrate a 5 year land supply) I consider that a case of refusal based on policy harm alone (without any substantive identified harms) can be sustained at appeal.
- 4.4.4 The NPPF from its inception did not enable local planning authorities to always resist development proposals in rural areas outside those protected by specific policies in the NPPF, such as SSSIs (note the site is now outside the SSSI), Green Belt or National Parks. In the clear absence of a five year supply of deliverable housing sites and without completely up to date and adopted policies the decision maker in this instance must determine the planning application within the tilted balance which is clearly in favour of allowing sustainable development unless clearly identified harm significantly and demonstrably outweighs the benefits of delivering new homes.
- 4.5 **Alternative Options**
- None applicable
- 4.6 **Pre-Commencement Conditions**
- 4.6.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.
- 4.7 **Climate Change Mitigation**
- 4.7.1 This is an outline application and detailed climate change mitigation will be part of any future reserved matters application.
- 4.7.2 The proposed development, as discussed in the report above, is sufficiently sustainable and would therefore be in compliance with Policy D1 of the Emerging Local Plan.
- 4.7.3 A condition for the inclusion of Electric Charging points were requested by the Air Quality Officer to overcome impact of climate change to be secured via the grant of planning permission.

#### 4.8 Site Assessment

- 4.8.1 An in-person site visit was able to take place in the Summer of 2020 within public areas due to circumstances regarding Covid-19 Pandemic and the current Government Restrictions. The Case Officer has extensive prior knowledge of the site as has dealt with the previous refused scheme. Additional assessments as to the impact of the proposed built form was undertaken using previously site notes and photographs taken by the case officer. The use of satellite imagery (google Maps dated August 2016) and photograph submitted by the agent and neighbours were also used. In this case it is considered that the information available and provided is sufficient to assess the impact of the development on the local environment and living conditions of the adjoining properties.

#### 5.0 Legal Implications

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

#### 6.0 Recommendation

- 6.1 a) That outline planning permission be **GRANTED** subject to the following conditions and the completion of a satisfactory S.106 agreement.
- b) That the applicant agree any further necessary extensions to the statutory period to enable the completion of the S106 within the statutory time frame. Should, for any reason, the S.106 agreement not be completed before any agreed extension period and the applicant does not agree to an extension of time to allow for this, it is further recommended that permission be refused under delegated powers on the grounds of no satisfactory agreement.

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

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

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, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

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

4. Hertfordshire Highways

Prior to commencement of the development as defined on drawing 001220 2001DDRXXZZJPL revision P01 detailed drawings of all highway works shall be submitted and approved in writing by the Highway Authority.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4.

5. Before the access is first brought into use, as defined on drawing 001220 2001DDRXXZZJPL revision P01, vehicle to vehicle visibility splays of 2.4 metres by 25 metres to the both directions shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To 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.

6. No development shall commence until the developer shall has complied fully with the requirements of the Department for Transport's DMRB Standard BD 2: Technical Approval of Highway Structures. The Approval in Principle and Design and Check Certification, accompanied by full structural details, shall be submitted and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the details submitted and Construction Compliance certification and documentation submitted to the Local Planning Authority.

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

7. Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works along Sun Hill Pedestrian Improvements fpcr layout drawing 7407-T-11, 7407-T-12, AH 1517/28 revision A and AH 1517/29 revision A indicating a network of proposed work to public footways emanating from proposed development have been submitted to and approved in writing by the Local Planning Authority.

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

8. Prior to use the gradient of the access roads shall not be 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 (adopted 2018).

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

Construction vehicle numbers, type, routing;

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

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

10. 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 with the Local Planning Authority in consultation with the Highway Authority:

The provision of a Toucan crossing for pedestrians and cyclists on Baldock Street as defined on drawing number 1517/14a linking the school with the development.  
Improved footway provision from the development to the town centre as defined on drawing number 1517/14a linking the school with the development. 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.

11. Land Contamination

(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

12. Air Quality

Prior to occupation of any of the dwellings hereby approved, a scheme identifying number and distribution of EV charging points shall be submitted and agreed in writing by the Local Planning Authority. The EV charging points agreed by way of this condition shall be implemented prior to the occupation of any dwelling hereby approved. It is expected that, at a minimum, each dwelling with dedicated car parking would have one charging point, with one charging point provided to every ten unallocated parking 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.

13. Noise

No development shall take place until a scheme for protecting the existing dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

Reason: To protect the residential amenity of existing residents.

14. 11. Previously unidentified contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

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 109, 120, 121 and the Environment Agency's approach to groundwater protection.

15. Surface water disposal Development shall not begin 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 approval details. No drainage systems for the infiltration of surface water drainage into the ground is 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 controlled waters. 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 109, 120, 121 and the Environment Agency's approach to groundwater protection.

16. 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 109, 120, 121 and the Environment Agency's approach to groundwater protection.

17. Lead Local Flood Authority

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk and Surface Water Drainage Assessment carried out by MLM reference 6101152-MLM-ZZ-XX-RP-C-0001 Revision 2 dated 10 March 2020. The surface water drainage scheme should include;

1. Implementing the appropriate drainage strategy based on infiltration into using appropriate above ground SuDS measures and indicated on Surface Water Drainage drawing reference 6101152-MLM-ZZ-XX-DR-C-0110 Rev PO2.
2. Providing surface water storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
3. Providing above ground source control measures within the developable areas to ensure a SuDS Management Train and SuDS Treatment Train is provided as indicated within the FRA and Surface Water Drainage Strategy Table 2- SuDS Suitability.

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

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

18. Before each phase of the development approved by this planning permission, no development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the principles contained within the submitted Flood Risk and Surface Water Drainage Assessment carried out by MLM reference 6101152-MLM-ZZ-XX-RP-C-0001 Revision 2 dated 10 March 2020

The scheme shall also include;

1. Detailed ground condition and infiltration testing within the areas of the development to determine the infiltration rates, underlying ground conditions including the density of the underlying chalk which will determine the distance of any infiltration measures from any proposed buildings. This should be assessed prior to determination of the layout to ensure the most sustainable drainage system can be provided.
2. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event for the whole site including greenfield areas of the site.



3. All calculations/modelling and drain down times for all storage features.
4. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing any proposed connecting pipe networks. The plan should show any proposed pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
5. Confirmation of which SuDS features will be infiltrating and specific infiltration rates for each feature.
6. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage. As the site is above a ground water SPZ1 zone, the required amount of water quality treatment will be required for the proposed highway network and residential areas. Confirmation from the EA that they are satisfied with the level of treatment prior to discharge to ground should be provided.
7. Details regarding any areas of informal flooding (events those exceeding 1 in 30-year rainfall event), this should be shown on a plan with estimated extents and depths and how this will be safely managed within the site.
8. Details of final exceedance routes, including those for an event which exceeds the 1 in 100 year + climate change rainfall event to ensure there is no risk of flooding to existing adjacent residential properties to the north and south east of the proposed development site.
9. Details of the adoption and maintenance arrangements for the drainage scheme including all SuDS elements, highway drainage and the infiltration basins.

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

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

Reason: To ensure the ongoing maintenance of the drainage scheme for its lifetime to prevent the risk of flooding from the proposed drainage scheme to the site and the surrounding area.

20. Waste

No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason: To facilitate refuse and recycling collections.

21. The landscape details to be submitted as reserved matters shall include the following:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained
- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
- d) details of any earthworks proposed

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

22. 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 later; 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.

23. 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

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

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

25. Prior to the determination of a reserved matters application, the applicant shall undertake an ecological assessment of the development site which utilises the DEFRA Biodiversity Impact Calculator metric or a similar assessment tool. The development must demonstrate a neutral or positive ecological unit score from the pre-development baseline.

Reason: To accord with the NPPF requirement to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

26. Prior to the determination of a reserved matters application, a Site Waste Management Plan (SWMP) is to be prepared for the proposed developments and submitted to be approved by HCC Minerals and Waste Policy Team.

Reason: To accord with the requirements of adopted Waste Local Plan Policy 12: Sustainable Design, Construction and Demolition.

27. Prior to the determination of a reserved matters application, the applicant shall submitted an appropriate Lighting Scheme which reduced the impact of the development locally, given the ecological and visual sensitivities of this topographically prominent area.

Reason: To accord with the NPPF requirement to minimise impacts on biodiversity .

28. Prior to the determination of a reserved matters application, the applicant shall submitted an appropriate Landscape / Ecology Management Plan which reduced the impact of the development locally, given the ecological sensitivities of this area.

Reason: To accord with the NPPF requirement to minimise impacts on biodiversity

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:

1. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 38/278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
2. Prior to commencement of the development the applicant is advised to contact the North Herts Highways Network Team [NM.North@hertfordshire.gov.uk] to arrange a site visit to agree a condition survey of the approach of the highway leading to construction access likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development considering the structural stability of the carriageway. The County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.
3. The Environmental Protection Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on [www.north-herts.gov.uk](http://www.north-herts.gov.uk) by searching for contaminated land, and I would be grateful if this information could be passed onto the applicants.
4. Air Quality  
  
Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

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

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at

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

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

In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 08.00hrs Monday to Saturday, nor after 18.00hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

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.

6. Crime Prevention Design Advisor - Hertfordshire Constabulary

The applicant is requested to contact the Hertfordshire Constabulary Crime Prevention Design Service with a view to seeking the Police preferred minimum security standard that is Secured by Design. This is to ensure their discharge of obligations under the Building Regulations and to comply with their intentions as laid out in the Design and Access Statement.

7. Lead Local Flood Authority

The site is located within a source protection zone and is within the vicinity of a drinking water reservoir, therefore we would advise the LPA is consult the Environment Agency for any requirements they may have in relation to water quality.

As this is a greenfield site, we would not accept the use of below ground attenuation features. At detail design stage we would expect above ground measures such as permeable paving, swales etc. could be used on impermeable sites and utilised within green space and areas of landscaping particularly as it has been identified that above ground measures are feasible on this site based on Section 4.3 Table 2 of the FRA and Surface Water Drainage Strategy carried out by MLM reference 6101152-MLM-ZZ-XX-RP-C-0001 Revision 2 dated 10 March 2020.

Prioritising above ground methods and providing source control measures can ensure that surface water run-off can be treated in a sustainable manner and reduce the requirement for maintenance of underground features. We would strongly recommend that soakaways serving multiple properties should not be located within private curtilage and across property boundaries. There is a high uncertainty that individual house owners will have the means to undertake the maintenance required by drainage features within their property. As the drainage system is serving more than one property, the lack of maintenance would affect several properties.

8. Advice to Applicant SuDS

- o Infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.
- o Infiltration SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination.
- o Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.
- o The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.
- o Deep bore and other deep soakaway systems are not appropriate in areas where
- o groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).
- o SuDS should be constructed in line with good practice and guidance documents which include the SuDS Manual (CIRIA C753, 2015) and the Susdrain website.
- o For further information on our requirements with regard to SuDS see our Groundwater Protection Position Statements, in particular Position Statements G1 and G9 to G13 available at:  
<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

We recommend that developers should:

1. Refer to our "Groundwater Protection Position Statements", formerly "Groundwater Protection: Principles and Practice (GP3)":

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/620438/LIT\\_7660.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620438/LIT_7660.pdf)

2. The risk management framework provided in CLR11, "Model Procedures for the Management of Land Contamination", when dealing with land affected by contamination:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://publications.environment-agency.gov.uk/pdf/SCHO0804BIBR-e-e.pdf>

3. Our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site:

<http://www.claire.co.uk/useful-government-legislation-and-guidance-by-country/76-key-documents/192-guiding-principles-for-land-contamination-gplc>

The Local Authority can advise on risk to other receptors, for example human health);

4. Our "Verification of Remediation of Land Contamination" report:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0210brxf-e-e.pdf>

5. The CL:AIRE "Definition of Waste: Development Industry Code of Practice" (version 2) and our related "Position Statement on the Definition of Waste:

Development Industry Code of Practice":

<http://www.claire.co.uk/component/phocadownload/category/8-initiatives?download=212:definition-of-waste-development-industry-code-of-practice> and

[http://www.claire.co.uk/index.php?option=com\\_phocadownload&view=category&download=178:dow-cop-ea-position-statement&id=8:initiatives&start=20&Itemid=230](http://www.claire.co.uk/index.php?option=com_phocadownload&view=category&download=178:dow-cop-ea-position-statement&id=8:initiatives&start=20&Itemid=230)

6. British Standards BS 5930:2015 and BS10175:2011 and our "Technical Aspects of Site Investigations" Technical Reports P5-065/TR:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://publications.environment-agency.gov.uk/pdf/SP5-065-TR-e-e.pdf>

and

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://publications.environment-agency.gov.uk/pdf/SP5-065-TR1-e-e.pdf>

7. Our "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination" National Groundwater & Contaminated Land Centre Project NC/99/73:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>

8. Our "Good Practice for Decommissioning Boreholes and Wells":

<http://stuartgroup.ltd.uk/downloads/wellservices/groundwater/boreholedecommissioning/EAGuidelines.pdf>

9. Our website: <https://www.gov.uk/government/organisations/environment-agency> for more information.

9. Waste

Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.

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

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

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

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

For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited. For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

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

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

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

10. (1) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087

(3) Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.



(4) Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.



## 11. Design

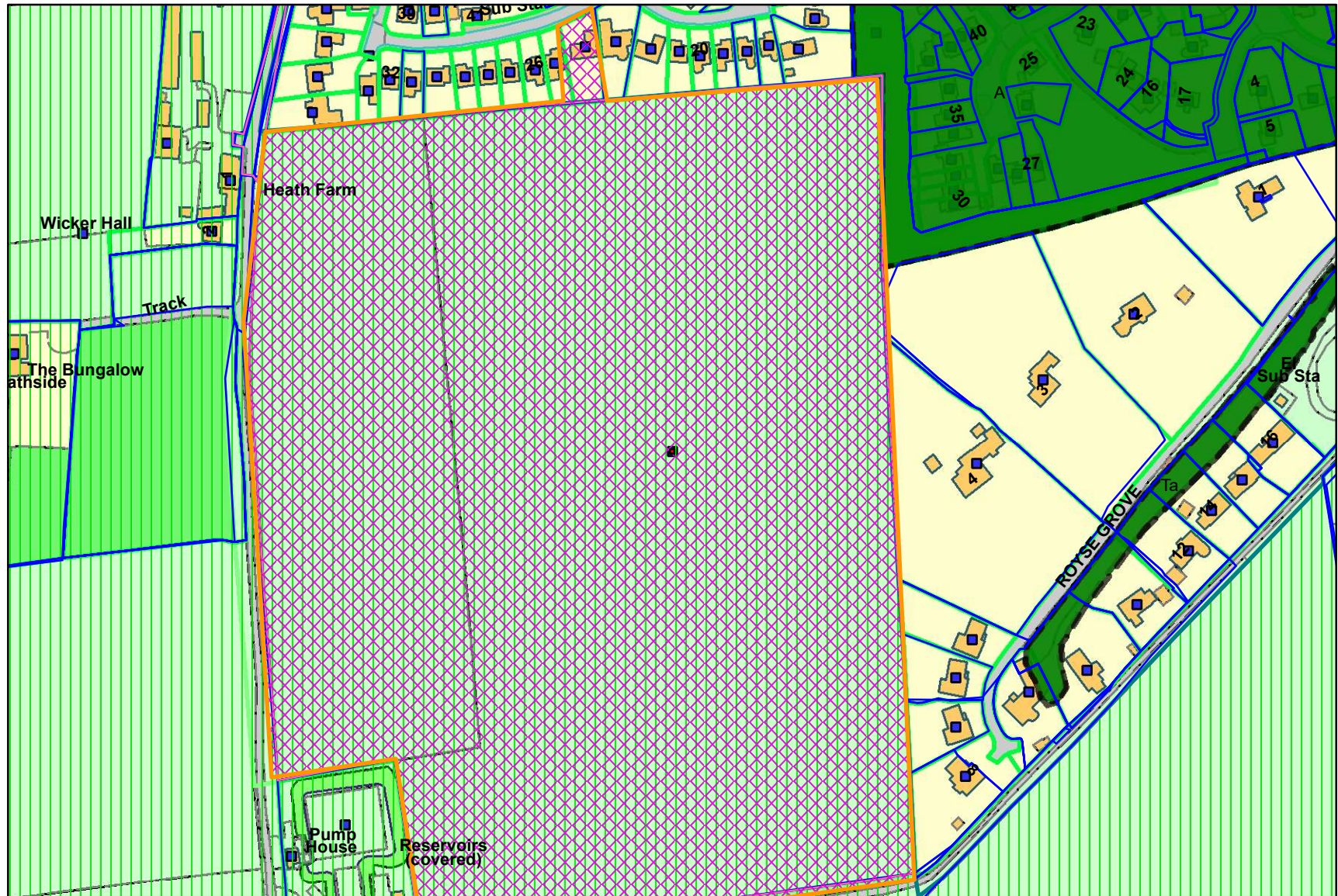
Given the topography of the site and the general character of the area, the inclusion of any development above 2 storeys needs to be carefully considered and adequately justified. The inclusion of 2.5 storey or greater development is of particular concern and any development of this nature should be avoided unless it can be robustly justified with reference to the prevailing context of the area.

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## Application Validation Sheet

20/00744/OP Land Opposite Heath Farm, Briary Lane, Royston, Hertfordshire

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



Scale 1:2,500

Date: 25/03/2021



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

**Date of expiry of statutory period :** 05.06.2019

1.0 **Site History**

2.0 None relevant.

3.0 **Representations**

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

**Consultee responses**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Minerals and Waste Authority – No objection subject to conditions

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

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

## Neighbour representations

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

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

Norton Action Group (NAG) have provided independent technical notes on transport from Transport Planning Associates and Arboricultural Impact Assessments. Furthermore, NAG have provided independent objections on Air Quality and Disability Discrimination, as well as general objections which tend to follow the summary of other neighbour responses above.

#### **4.0 Planning Considerations**

##### **4.1 Site and Surroundings**

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

##### **Heritage Appraisal**

- 4.1.3 Wood Environment & Infrastructure Solutions UK Limited were instructed by North Hertfordshire District Council to undertake a Conservation Area Character Statement for Croft Lane Conservation Area. Relevant parts of the Character Statement are quoted below (paragraphs 4.1.4 to 4.1.7) to frame an assessment of the contribution of the site to the significance of, and setting of, the Conservation Area.
- 4.1.4 Croft Lane is historically part of the village of Norton and its two large farm buildings remain as evidence of the area's rural past. Croft Lane was developed as a residential street from around 1905 onwards, though is notably occupied by larger villa type houses than are seen in the surrounding residential streets. Since the principal phase of development between around 1905 and 1911, other plots have been filled with houses of a similar scale and the east end of Croft Lane appears to have been developed more recently, towards the end of the 20th century.
- 4.1.5 Norton Grange Farmhouse (NHLE 1102027), Paynes Farmhouse (NHLE 1174144) and Thatches (NHLE 1347675), of the 17th, 18th and 18th centuries respectively, are the three timber buildings within the Conservation Area, the former two being sat opposite each other on Croft Lane as part of U-shaped farm complexes, each with farmland behind. The Three Gables (1907) (NHLE 1295871) and Croft Corner (1911) (NHLE 1102026) were both designed by Cecil Hignett, famously the architect of The Spirella Building in Letchworth, the former for his own occupation. The former (Figure 2.1) is in roughcast brick with thatched roof with eyebrow dormers and casement windows throughout.



- 4.1.6 All of the buildings in the Conservation Area are set back from the road behind gardens which are themselves separated from the road by tall hedges and other planting, creating a secluded feel from the roadside and presumably also within individual properties.
- 4.1.7 There are noticeably more street trees west of Paynes and Norton Grange farmhouses and this locates the more enclosed-feeling part of the Conservation Area to this part of it, i.e. around the earlier 20th century buildings. There is a pavement on the south side of Croft Lane which has, for the most part, a grass verge between it and the road. The kerbs here are stone.
- 4.1.8 The special interest of Croft Lane Conservation Area lies in its connection to the foundation of Letchworth Garden City and its having within it a series of significant buildings by key Letchworth Garden City architects, Parker & Unwin, Cecil Hignett and Geoffry Lucas. Due to planting in front of almost all properties in the Conservation Area, long views are almost entirely absent and it retains something of a rural feel, despite being almost entirely surrounded by suburban residential streets of Letchworth Garden City.
- 4.1.9 Croft Lanes significance is considered to lie within its historical development. The Lane served few farm buildings and a single dwelling on the edge of Norton prior to the development of Letchworth Garden City. Parts of the Lane were filled in the early part of the development of Letchworth Garden City, and later infilled with more modern dwellings. All dwellings detached, of similar sizes, and set back from the land with verdant frontages, maintaining a relatively rural feel considering the sites edge of settlement wider context.
- 4.1.10 The setting of the Conservation Area is mixed, with agrarian agricultural feel to the north, and recently (in built form context) developed residential land to the south. Historically, the area hosted two farm buildings in a U formation either side of the Lane. Part of the significance of the Conservation Area however lies in how it developed to form the edge of Letchworth Garden City. Furthermore, given the later development of the area, the significance of the Conservation Area partially lies within the very confined interrelation of houses and the streets due to the complete lack of long views either through or out of it. The setting of the Conservation Area, by reason of the Lanes confined nature, has a limited contribution to the significance of the heritage asset.

#### **Sites contribution to significance of the heritage assets**

- 4.1.11 The site in question contains some buildings which fall within the Conservation Area of no architectural merit which hold do not contribute to the significance of the heritage asset. These buildings are set back from Croft Lane, do not address Croft Lane, and are screened to some extent by the verdant frontage of the site to Croft Lane. There is one small access point wide enough for vehicular access, with a small dropped kerb and hard surfacing leading to the site's boundary. Beyond this, the site is green and open, laid to grass, with some trees growing within the part of the site within the Conservation Area.

- 4.1.12 The wider site, outside of the Conservation Area, is laid to grass, with no current functional use. The site is bounded by the rear boundaries of dwellings which encompass the site. The site boundaries are largely verdant, with mature trees and hedging. There is a small cluster of mature trees towards the east of the site.
- 4.1.13 Considering the above site description, it is considered that the part of the site which lies within the Conservation Area does contribute to the heritage assets significance. This significance is formed from the site's openness, and its exception from historic infill development between historic buildings on the Lane. Further contribution to significance is derived from the sites open and verdant presentation to the street, with hedging and trees.
- 4.1.14 The wider site is open in its nature. Notwithstanding this, by reason of the confined nature of the Conservation Area, alongside the site positioning to the south and surrounding residential development, the site openness only has a limited contribution to the significance of the heritage asset.
- 4.1.15 It is noted that the site is bounded by some Listed Buildings, as described above. These Listed Buildings have varying significances and historic and architectural interest.
- 4.1.16 The farm buildings and Thatches reveal the history of Croft Lane before the development of Letchworth Garden City. Paynes Farmhouse retains some of its historic agricultural setting on the north side of Croft Lane. Given the separation distance and agrarian setting derived from the north side of Paynes Farmhouse, it is not considered that the site contributes to the setting of Paynes Farmhouse.
- 4.1.17 Whilst historically, the site would have formed part of the setting of Norton Grange Farmhouse, the openness of the surroundings have been significantly degraded over time. The sites current contribution to the significance of Norton Grange Farmhouse as part of its setting is considered limited by the changes in character and function of the listed building itself and its surroundings over time. It is not considered that the site contributes to the significance of Thatches as the other pre-Garden City listed building adjacent to the site.
- 4.1.18 The other listed buildings which directly adjoin the site are Treetops and The Three Gables. These buildings are self-evidently architecturally significant, and historically significant in that they were designed by prominent Garden City architects, and form part of the history of Letchworth Garden City. Pursuant to this, it is not considered that the open, playing field, nature of the area to the rear of these properties contributes to the historic significance of these heritage assets.

## 4.2 **Proposal**

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

## 4.3 Key Issues

### Preliminary matters

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

### Principle

- 4.3.2 The site lies within a Landscape and Open Space Pattern area as allocated by the Saved Local Plan (SLP). In accordance with policy 21 of the Saved Local Plan, the Council would normally refuse development proposals which would have a significant impact on the character, form, extent and structure of the pattern. Further to this, and only where the development achieves the initial test, the policy requires development to retain the pattern through appropriate landscape and open space provision and quality of design; manage appropriate land for open spaces; encourage positive use and management of formal and informal recreation; and encourage small scale environmental improvements.
- 4.3.3 Whilst some flexibility is built into this policy, through the word 'normally', it cannot be said that the proposed development would not have an impact on the character, form, extent and structure of the pattern of the site as a designated landscape and open space. The proposal thereby conflicts with the aims of policy 21 of the SLP.
- 4.3.4 The proposed development of the site is supported by policy 8 of the SLP by being positioned within the settlement of Letchworth, where development needs of the District are directed. The site is within a Residential Area and thereby supported by policy 26 of the SLP, subject to an assessment on the impact on the environment and character of the existing area. An assessment of this part of policy 26, as well as policy 57, proportionate to the outline nature of this proposal, is set out later within this report. The proposal would provide affordable housing in excess of that required by policy 29A of the SLP.
- 4.3.5 The 2011-2031 Local Plan Proposed Submission (Emerging Local Plan (ELP)) has been submitted to the Secretary of State and is progressed as described in paragraph 2.4 of this report.
- 4.3.6 The site is identified as a proposed Local Housing Allocation under the provisions draft Policy HS1 as LG10. Paragraph 48 of the National Planning Policy Framework (NPPF) provides advice on weight which might be given to emerging policy having regard to:
- a. The stage of preparation the plan has reached;*
  - b. The extent of unresolved objections; and*
  - c. The extent to which the proposed new policies are consistent with the NPPF.*

- 4.3.7 The plan is well advanced, with the issuing of modifications and subsequent multiple hearings. No further hearings or unresolved objections are considered outstanding on those matters, issues and questions would not impact the sites allocation. The issued modifications considered representations made against the plan and resolve such issues. Allocation LG10 has been modified to remove the requirement for re-provision of the loss of open space as the site is not open to the public. The modification has not been raised as an issue beyond written representations. The modification is subject to an objection from Sports England. It is considered that the policies within the ELP which the site would rely upon for any support are consistent with the NPPF.
- 4.3.8 The site is allocated in policy HS1 as LG10, for the provision of an estimated 37 homes. The policy stipulates that the development hosts appropriate access arrangements to minimise impact upon heritage assets; sensitive design and lower density development to minimise harm to the Croft Lane Conservation Area and setting of the Grade II Listed Buildings along Cashio Lane, Croft Lane and Norton Road; and to provide an archaeological survey prior to development. These matters are considered later within this report, in line with specific professional advice sought from consultees, however, the principle of residential development of the site draws support from the ELP.

#### **Access**

- 4.3.9 Means of access to and from the site is unreserved within this application. That is to state that the means of access into and from the site would be fully satisfied if this application were to be approved (subject to conditions if necessary). Consequently, the Council must be satisfied that the means of access is capable of accommodating up to 42 dwellings. Internal access is reserved by this application. Notwithstanding this, it is necessary in establishing the principle of the development of the site, that the indicative internal access shown is capable of accommodating the scale of the proposed. It is of note that the site allocation requires access arrangements to minimise impact upon heritage assets. Access is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) ("GPDO") as *"the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network"*.
- 4.3.10 Further interpretation of this consideration can be found within policy T1 of the ELP. Policy T1 is considered consistent with the NPPF, and states that permission will be granted provided that the development would not lead to highway safety problems or cause unacceptable impact on the highway network. The policy continues to state that sustainable transport infrastructure measures and improvements will be sought. The proposal does not meet the policy threshold for a transport statement, however the applicant must demonstrate how, as far as practicable, the proposed scheme would be served by public transport; provide safe, direct and convenient routes for pedestrians and cyclists, and be comprehensively integrated into the existing pedestrian and cycle, public transport and road networks.
- 4.3.11 Means of vehicular access has been raised multiple times within neighbour representations made through the duration of the consideration of this application.

- 4.3.12 The site allocation requires appropriate access arrangements to minimise impact upon Croft Lane Conservation Area. The proposed vehicular access and egress is proposed on Croft Lane to the north of the site and through Croft Lane Conservation Area. The means of access accommodates two-way traffic with a road width of 5.5m. The access would taper to 16m wide where it meets Croft Lane to allow for large vehicular turning movements. A mood board has been provided (5182-012) which indicates the type of detailing which can be achieved for the access to best preserve the character of the Lane.
- 4.3.13 It is noted that the sites open nature, as an example of a plot which has not been filled by later development, and its verdant boundary treatment to Croft Lane does contribute to the significance of the Conservation Area. Whilst no buildings are proposed or indicates as being provided for within the part of the site which is within the Conservation Area, the access street itself would be within the Conservation Area. The width of the access, alongside its form as hard surfacing and reduction in screening and soft enclosure of the site would diminish the sites contribution to the significance of the Conservation Area. The access would reduce the largely linear nature of development along of Croft Lane and Cashio Lane. Given the amount of space around the access which would be left open, it is considered that a good level of compensatory landscaping could be achieved to diminish this impact. Nevertheless, the access would cause less than substantial harm to the contribution of the site to the significance of the Conservation Area. In this sense, I disagree with the applicants' submission that no harm would result from the development to the sites contribution to the significance of the Conservation Area. The site has a limited contribution to the setting of Norton Grange Farmhouse, however.
- 4.3.14 Less than substantial harm to heritage assets must be weighed against public benefits. This test is laid out within paragraph 196 of the NPPF, as well as policy HE1 of the ELP. The public benefits of the proposed development include the social and economic benefits of the delivery of housing, economic benefits of employment during construction, as well as the social and economic benefits of the enhanced use of local services and facilities. Notwithstanding this, the policy requirement of the allocation to minimise harm on Croft Lane Conservation Area through access details must be satisfied before these public benefits can be applied to the proposal. If an alternative means of access which causes less harm to the heritage asset can be achieved, the public benefits could, and should, be delivered that way.
- 4.3.15 The vehicular access has been negotiated and tested against alternative options which has caused significant delays in the progression of this application. North Hertfordshire District Council (represented by the case officer and Senior Conservation Officer), Hertfordshire County Council (represented as land owners and applicants (Estates) and as Local Highways Authority) and the agents representing the applicants have participated in lengthy discussion and tested several options of access in attempts to minimise impact on Croft Lane Conservation Area.

- 4.3.16 Following these discussions, by reasons of viability as well as harm resultant from alternative options, it has been concluded that the access proposed herein is the least harmful means of achieving the development proposed in heritage terms. Options included use of the existing Cashio Lane access point, use of both Cashio Lane and Croft Lane access points in a one-way system, purchase of nearby dwellings for demolition and provision of access, as well as alternative options for two-way vehicular access and egress onto Croft Lane. The options were ruled out by reason of viability and availability (purchase of neighbouring dwelling); lack of space within the access to meet technical standards and promote use of alternative modes of transport; or requirement for overly engineered accesses and additional signage and bollard requirements (one-way vehicular access using both Croft Lane and Cashio Lane accesses).
- 4.3.17 It is noted that options including the compulsory purchase of a dwelling on Norton Road as well as use of Cashio Lane for vehicular access have been muted in neighbour representations. Site allocation LG10 does not include any land or dwellings addressing Norton Road. This means the site has been tested in terms of financial viability without felt would not be possible, or advisable, to insist upon the compulsory or otherwise purchase of an existing dwelling to be demolished to make way for access to a planned development site. Such a requirement would have a significant impact on the viability of the site for development.
- 4.3.18 The use of a Cashio Lane as exclusive, two way, vehicular access and egress has been ruled out as the width of the access, particularly at the point closest to Cashio Lane whereby the bellmouth of the access would begin, is insufficient to meet the technical standards set by Local Transport Plan 4. Cashio Lane represents the most direct desire lane to access a wider cycle network and a cycleway could not be provided alongside a 5.5m wide carriageway and 1.8m footpath.
- 4.3.19 Whilst option 7 (of 8) was selected by deduction of alternative options, it has subsequently been amended to reduce harm to the site's contribution as a heritage asset and to the setting of nearby heritage assets (hence option 7b now proposed). Accordingly, the public benefits of the development can be reasonably applied against the harm, and the proposal is considered compliant with the site-specific requirement of minimising impact on Croft Lane Conservation Area.
- 4.3.20 Whilst the proposed two-way vehicular access onto and from Croft Lane will cause less than substantial harm to the contribution of the site as a heritage asset and the setting of heritage assets, the public benefits of the proposal would outweigh this harm. Conditions will be required to ensure a good level of compensatory landscaping is established by way of future reserved matter application, and that the surface finish details minimise harm.
- 4.3.21 The application has been supplemented by a Transport Assessment which has revealed, without contestation from Hertfordshire County Council as Local Highways Authority, that the means of vehicular access could accommodate associated transport movements with up to 42 dwellings without harm to the safe use of the highway subject to mitigation.

- 4.3.22 Hertfordshire County Council as Highways Authority consider that, subject to conditions and legally secured contributions, that the transport impact could be sufficiently mitigated. The mitigation would be borne through the following improvements, provided by way of S106 agreements:

**S106 contributions towards:**

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

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

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

- 4.3.23 Other than the vehicular means of access concentrated on above, the site would provide a wide and attractive secondary means of pedestrian and cyclist access onto Cashio Lane to the west of the site. This additional access shows permeability, and makes best efforts to connect the site sufficiently to local facilities including schools by alternative modes of transport than private motorised vehicles.
- 4.3.24 The means of access would, subject to mitigating conditions and planning obligations, be able to accommodate the development proposed without harm to the safe use of the highway and successfully connect the proposed dwellings to essential facilities without the requirement for independent vehicles. Internal access is reserved for future reserved matters applications, however, the indicative plans provide comfort that safe access can be provided internally for all modes of transport. Whilst the means of access would cause less than substantial harm to the contribution of the site to the significance of heritage assets, including the setting of Listed Buildings as well as Croft Lane Conservation Area, this harm is the minimum available to deliver public benefits which outweigh that harm. Consequently, it is considered that the means of access proposed is capable of accommodating up to 42 dwellings in a sustainable fashion.

**Appearance**

- 4.3.25 Appearance *“means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture”* (GPDO). The most relevant site-specific criterion to this matter is that the development be sensitively designed and/or lower density housing to minimise harm to the Croft Lane Conservation Area and setting of the Grade II Listed Buildings along Cashio Lane, Croft Lane and Norton Road.

- 4.3.26 Appearance is clarified within policy 57 and 58 of the SLP, policy D1 of the ELP and the Design Supplementary Planning Document. Generally, the policies aim for the design of buildings or places to reflect the character of the sites surroundings. The SPD and Policy 58 of the SLP goes into more detailing as to the materials used in the development of Letchworth Garden City and their rational (particularly paragraph 196 of the SPD). Notwithstanding this, the details within these policies are not particularly relevant to this application, as this detail is a reserved matter. The policy basis is only important in that it would remain possible to achieve the desired appearance on the site with the proposed development.
- 4.3.27 Given the amount of good quality design buildings in the immediate surroundings of the site, it is considered that the proposal would be more than capable of accommodating buildings of an appropriate appearance in any future reserved matters application. No further information is considered to be required at this outline stage in respect to appearance. No parameters have been proposed in any of the documents submitted, and consequently, the Council will have freedom to assess a reserved matters application in respect to appearance with a free reign, and seek the highest architectural quality.

### **Landscaping**

- 4.3.28 Landscaping is defined as *“the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes -*
- (a) screening by fences, walls or other means;*
  - (b) the planting of trees, hedges, shrubs or grass;*
  - (c) the formation of banks, terraces or other earthworks;*
  - (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and*
  - (e) the provision of other amenity features.”*
- 4.3.29 Policy NE1 of the ELP advises that proposals would be granted so long as they do not cause unacceptable harm to the character and appearance of the surrounding area taking account of any suitable mitigation measures necessary to achieve this, are designed and located to ensure the health and future retention of important landscape features and have considered the long term management and maintenance of any existing and proposed landscaping. Policy 57 of the SLP guides that the layout of proposals should be designed to keep landscape features where possible, and proposals should take opportunities to improve the landscape of the site and its surroundings.



- 4.3.30 Some landscaping details have been provided within an indicative plan. Further landscaping details can be found within the Tree Survey and Tree Constraints Plan. The site contains some trees along the boundary as well as two class C trees towards the east of the site which are not within the boundary. The indicative site plan shows the majority of those trees to be retained. It must be noted that this is indicative, and not definitive.
- 4.3.31 The indicative retention of category B and a large proportion of category C trees is welcomed. The indicative site plan does not position any dwellings such that any trees are clearly threatened by proximity, daylight issues, or root protection concern. The proposed means of access to the north onto and from Croft Lane does have potential implications for existing trees.
- 4.3.32 The principle and most notable removal is that of a classification C Ailanthus tree adjacent to Croft Lane. The Tree Report suggests that tree is the weaker within the row, and is suppressed by adjoining Norway Maple trees. That report aligns to my understanding and result of my site visit. I do not consider the tree to have a significant contribution to the significance of the Conservation Area for these reasons, and am thereby not objectionable to its removal to accommodate the means of access. The means of access will also encroach upon the root protection area of a Pear tree (classified U) and a Norway Spruce (classified C). Again, I have no particular concerns regarding these removals, by reason of their classification alongside their limited contribution to the significance of the Conservation Area. A condition will be required to ensure that the trees identified above as being under threat from the proposed access will be replaced within the area of the site within the Conservation Area within the next planting season after the means of access is completed.
- 4.3.33 The landscaping shown in the indicative details, in terms of the planting of trees along the outer and inner side of the circular access road shows that a good level of tree planting could be achieved. Further consideration of perimeter screening planting should be considered in future landscaping reserved matters applications where that planting would benefit the amenity of the occupiers of future and that of adjoining premises.
- 4.3.34 As a result, it is considered that the indicative layout shows that the site could accommodate the proposed development while maintaining a fair landscape.

### **Layout**

- 4.3.35 Layout *“means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development”*.
- 4.3.36 Layout is considered to be an important aspect of Letchworth Garden City Design Principles (policy 58 of the SLP and policy D1 of the ELP). Creating vistas, closure and accents within group design breaks the monotony of built form. Stepping of building lines with differing block designs with similar materials allows for the creation of accents. Vistas are best formed by tree lined streets and closure represented by feature buildings at key points.

- 4.3.37 The indicative layout is considered acceptable in-so-much as it provides some evidence that the amount of development proposed could be accommodated on the site in respect to layout. There is evidence of some stepping of building lines.
- 4.3.38 Work is needed in respect to the creation of vistas and accents. Work is also required in respect to buildings addressing corners and orientation of the built form to make best use of natural light and solar gain. In terms of open spaces, it is considered that the grouping of open space around the edges of the site is not a particularly attractive or inclusive strategy. It is not considered that the occupiers of any proposed building would suffer poor living conditions by reason of the relationship with other proposed buildings based on the indicative plan.
- 4.3.39 Care will need to be taken in any reserved matters application in respect to layout (and landscaping) to ensure that harm to adjoining premises in terms of overlooking and outlook is not harmed. Particular care should be taken around plots 25, 28-32 in terms of distance to existing rear boundaries and supplementary planting as potential mitigation. Further consideration must be had to any particular views into the site or views into or from any adjoining heritage assets as a starting point for any layout supplementing future reserved matters applications.
- 4.3.40 In terms of reflecting the character of the sites surroundings, it is noted that the buildings are separated some distance from the street or driveway which they address. Shared driveways should be minimised in future reserved matters applications as it is unreflective of the linear pattern of development of the surrounding area. Notwithstanding the above suggestions, with some configuration, it is considered that an acceptable layout, not unlike the indicative plan, would award sufficient spacing to accommodate the proposed development.

### **Scale**

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

4.3.44 The proposed development is not going to be capable of reflecting the surrounding area in respect to the width and length of each building and separation distances without having a severe impact on deliverability and failing to maximise the use of the site. Considering the proposed access details (representing a cul-de-sac with good pedestrian and cyclist permeability), and spacing between the proposed built form and those dwellings on Cashio Lane, Croft Lane and Norton Road, it is considered that, with some amendments, the proposed development could provide the density and scale indicated without harming the character of the surrounding area. As such, the site is likely to be able to be accommodated the scale of development proposed without harming the contribution of the site to the character of the sites surroundings or causing less than substantial harm to the significance of any surrounding heritage assets which is not outweighed by public benefits.

### **Ecology**

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

### **Flood risk**

- 4.3.46 A flood risk assessment was originally provided with this outline planning application dated 06 March 2019. The assessment has been supplemented with an addendum dated 05 March 2021, pursuant to negotiations in respect to access.
- 4.3.47 Following re-consultation with the Lead Local Flood Authority, no objection has been raised to the original flood risk assessment and addendum, subject to conditions which have been duly recommended.

### **Housing mix**

4.3.48 The indicative plans show the following housing mix –

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

Table 1

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

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

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

Table 2

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

### **Affordable housing**

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

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

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

Table 3

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

Table 4

### Legal agreements

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

Category (Authority)	Figure (£)	Infrastructure Project(s)
Primary Education (HCC)	Based on final delivery	towards the expansion of the Garden City Academy school by one form of entry to two forms of entry
Secondary Education (HCC)	Based on final delivery	towards the expansion of Fearnhill School from eight forms of entry to nine forms of entry
Library (HCC)	Based on final delivery	towards Letchworth library to develop the adult fiction area within the library, reconfiguring the space and installing new flexible and accessible shelving
Youth Services (HCC)	Based on final delivery	towards providing additional capacity within the large group work room at the Hitchin Young People's Centre

Sustainable Transport (HCC)	Based on final delivery	<p>towards:</p> <p>Package 06 of the North Central Hertfordshire Growth and Transport Plan: To form a sustainable corridor between Stevenage and Letchworth Garden City by upgrading existing cycling infrastructure, improving the public realm in villages on B197 as well as ensuring bus priority; and / or</p> <p>Package 10 of the North Central Hertfordshire Growth and Transport Plan: To enhance cycling infrastructure between Hitchin, Letchworth Garden City and Baldock to make it a safe and attractive option for sustainable trips; and / or</p> <p>Package 11 of the North Central Hertfordshire Growth and Transport Plan To increase active transport provision between the centre of Letchworth Garden City and the Industrial Estate by providing a signposted and connected active transport network.</p>
Leisure (NHDC)	29,852	towards refurbishment of gymnasium and changing facilities to provide the dual use of the facilities within Fearnhill School
Open Space (NHDC)	15,348.80	towards repairs to footpaths, formalisation of BMX trails and improved interpretation/signage at Norton Common
Community Centre (NHDC)	18,035	towards the community hall improvements at Norton Methodist Church, including improving the internal environment of the church
Play Space (NHDC)	28,395	towards play space provision at Howard Park play area to refurbish and replace equipment in Letchworth
Sports Pitch (NHDC)	14,005	towards the on-going maintenance of sports pitch provision at Baldock Road sports pitches, Letchworth
Waste and Recycling	2,622	towards the cost of providing waste collection and recycling facilities serving the Development

Table 5

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

### The planning balance

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

4.3.63 The site represents a sustainable location for residential development. The residential use proposed would be near to facilities, amenities and services in a specified settlement. The information submitted to supplement the application, indicative though they may be, satisfy that the site could accommodate the proposed development of up to 42 dwellings, subject to later reserved matters applications. The S106 agreement would provide 40% affordable housing units of an agreeable mix of tenure and size. These social benefits carry significant weight in favour of the proposed development. Further economic and social benefits include employment during construction, as well as the continued and improved use of local services and facilities.

4.3.64 Any harm identified through conflict with policy 21 of the SLP and loss of designated open space would not significantly and demonstrably outweigh the benefits of the proposed development in the context of the allocation of the land for development in the ELP.

#### 4.4 **Conclusion**

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

#### 4.5 **Alternative Options**

4.5.1 None applicable

#### 4.6 **Pre-Commencement Conditions**

4.6.1 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 (a) That out planning permission be **GRANTED** subject to the following conditions and subject to the completion of a satisfactory S106 Agreement:

(b) That the applicant agree any further necessary extensions to the statutory period to enable the completion of the S106 within the statutory time frame. Should, for any reason, the S.106 agreement not be completed before any agreed extension period and the applicant does not agree to an extension of time to allow for this, it is further recommended that permission be refused under delegated powers on the grounds of no satisfactory agreement.

1. Before the development hereby permitted is commenced, approval of the details of the siting, design and external appearance of the development, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

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

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

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

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

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

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

4. 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 3.

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

5. The development shall 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 3 and the provision made for analysis and publication where appropriate.

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

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

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

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

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

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

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

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

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

8. No development shall take place until a detailed surface water drainage scheme for the site based on the principles of the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

1. An assessment with an appropriate evidence to discharge surface water runoff from the development site into the ground via infiltration or into a public surface water sewer. If discharge into the sewer will be considered, an evidence will have to be provided why infiltration into the ground cannot be achieved.
2. If the drainage proposals for the access road are to infiltrate, then evidence of permeability should be provided, and test must be conducted in accordance with BRE Digest 365. Tests will have to be undertaken at the exact locations and depth of the proposed infiltration features.
3. If a pumped discharge into a wider drainage on site will be considered, any potential to promote more sustainable design and to limit the pumped network length should be considered. An appropriate evidence should be provided.
4. Final, detailed drainage layout plan showing all piped networks and SuDS features, identified invert levels, as well as a final discharge point into a public sewer.
5. Details in relation to existing ditch acting as infiltration swale.
6. Silt traps for protection for any residual tanked elements.
7. Full assessment of the final proposed treatment train for any proposed access roads or driveways.
8. Final network modelling based on an appropriate discharge mechanism for all rainfall events up to and including the 1 in 100 year rainfall including 40% for climate change allowance. As the final discharge into a public sewer rate of 5 l/s should be considered.
9. Detailed engineered drawings of the proposed SuDS (lined permeable paving, swales, basins) and drainage features including cross and long section drawings, size, volume, depth and any inlet and outlet features details including any connecting pipe runs. For the proposed attenuation basins cross section drawings identifying ground levels of the neighbourhood properties should also be provided. This is to minimise any negative impact on the existing neighbourhood residential properties.

10. Details regarding any areas of informal flooding to be shown on a plan with estimated extent areas, flooding volumes and depths based on the proposed layout and topography of the site.

11. An assessment of any surface water runoff flows exceeding the designed 1 in 100 year event including 40% for climate change allowance.

12. Maintenance and management plan to include the final land ownership plan, arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

1. Final confirmation of management and maintenance requirements
2. Provision of complete set of as built drawings for the site drainage

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

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

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

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

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

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

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

13. 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 12, above; has been submitted to and approved by the Local Planning Authority.

14. 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 13 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.

15. Any contamination, other than that reported by virtue of condition 12 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.

16. No development shall commence until full details (in the form of scaled plans and written specifications have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: internal housing layout, roads, footways; cycleways; foul and surface water drainage; visibility splays; parking provision in accordance with adopted standard; loading areas; turning areas.

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

17. Before first occupation of the approved development, all access arrangements serving the development shall be completed in accordance with the approved in principle plan, drawing number ST-2571-21-A Means of Access Croft Lane Option 7b and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

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

18. Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works, some of which are indicated on drawings numbered ST-2571-21-A Means of Access Croft Lane Option 7b and Stomor's drawing reference ST-2571-18-A Croft Lane Access Strategy, namely:

a/. access works and provision of tactile paving/dropped kerbs on each side of the access, closure of redundant section of vehicular access.

b/. localised widening of Croft Lane, Sinusoidal ramps on speed tables, Re-align kerb, Proposed speed table, proposed uncontrolled crossing point to existing footway to the west of Cashio Lane, No footway for 220 yards sign, Localised widening of footway to achieve 2.0m widths where appropriate, etc., as shown on drwgs: Means of Access - Croft Lane, ST-2571-03-A and Croft Lane Access Strategy, ST-2571-18-A, Appendix G and H of the TA);

c/.in Cashio Lane: provision of uncontrolled pedestrian crossing to existing footway to the west of Cashio Lane, proposed uncontrolled crossing to existing footway to the west of Cashio Lane as shown on Stomor's drawing reference ST-2571-18-A Croft Lane Access Strategy;

d/. the "Potential footway and crossing on Norton Road (contribution towards Highway Authority)" presented on the drawing Croft Lane Access Strategy, ST-2571-18-A, Appendix H of the TA) should be changed to: Provision of footway and signalised pedestrian crossing on Norton Road (the works to be undertaken under s278 works). This is due to the works are essential for the development to be acceptable in highway terms to provide safe access to the nearest bus stop and the school have been submitted to and approved in writing by the Local Planning Authority.

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

19. Any existing access not incorporated in the approved plan shall be permanently closed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

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

20. The access gradient shall not exceed 1:20 for the first 10 meters 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).

21. Prior to the first occupation of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

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

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

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

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

23. The landscape details to be submitted as reserved matters shall include the following :
- a) which, if any, of the existing vegetation is to be removed and which is to be retained
  - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

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

d) details of any earthworks proposed

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

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

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

**Proactive Statement:**

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

**Informative/s:**

1. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the highway works. The construction of highway works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.



2. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
3. Within any future reserved matters applications detailing the layout and access details, further details of the circulation route for refuse collection vehicles need to be included. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.
4. In the interests of clarity, please note that the freighter used for any analysis informing future reserved matters applications in respect to bin collections are -
  - o Width: 2,500mm (without mirrors)
  - o Height: 3,400mm (without hazard beacons)
  - o Turning circle: 22,800mm
  - o Overall length: 12,100mm (from front to rear of bin lift)
5. The applicant is hereby notified of the following informative to inform any future reserved matters applications in these respects -

Flats:

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

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

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

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

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

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

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

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

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

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

#### General:

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

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

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

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

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

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

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

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

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

6. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
7. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

8. Highway to remain private: The applicant is advised that all new highway associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
9. Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost sites. It should follow guidance from the Bat Conservation Trust and CIE 150:2003. Warm-white (long wavelength) lights with UV filters should be fitted as close to the ground as possible. Lighting units should be angled below 70° and equipped with movement sensors, baffles, hoods, louvres and horizontal cut off units at 90°
10. Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.
11. To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. It is also possible to provide enhancements for hedgehogs by making small holes (13cm x 13cm) within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site but will be too small for most pets.
12. Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains unsuitable for amphibians (including Great Crested Newts) to cross cleared areas should be maintained to prevent re-colonisation prior to works commencing; and potential hibernacula or refugia such as loose stones or dead wood should be removed by hand.

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

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

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

13. Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest
14. Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at:  
<http://www.smartwaste.co.uk/> or  
<http://www.wrap.org.uk/category/sector/waste-management>.
15. It is expected that the scheme to be submitted in line with condition 10 of this permission will provide a significant number of EV charging points. The Council will consider any details submitted on its merits, however, are of the mind that at least one EV charging point should be provided for each dwelling.
16. EV Charging Point Specification:

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

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

- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

















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

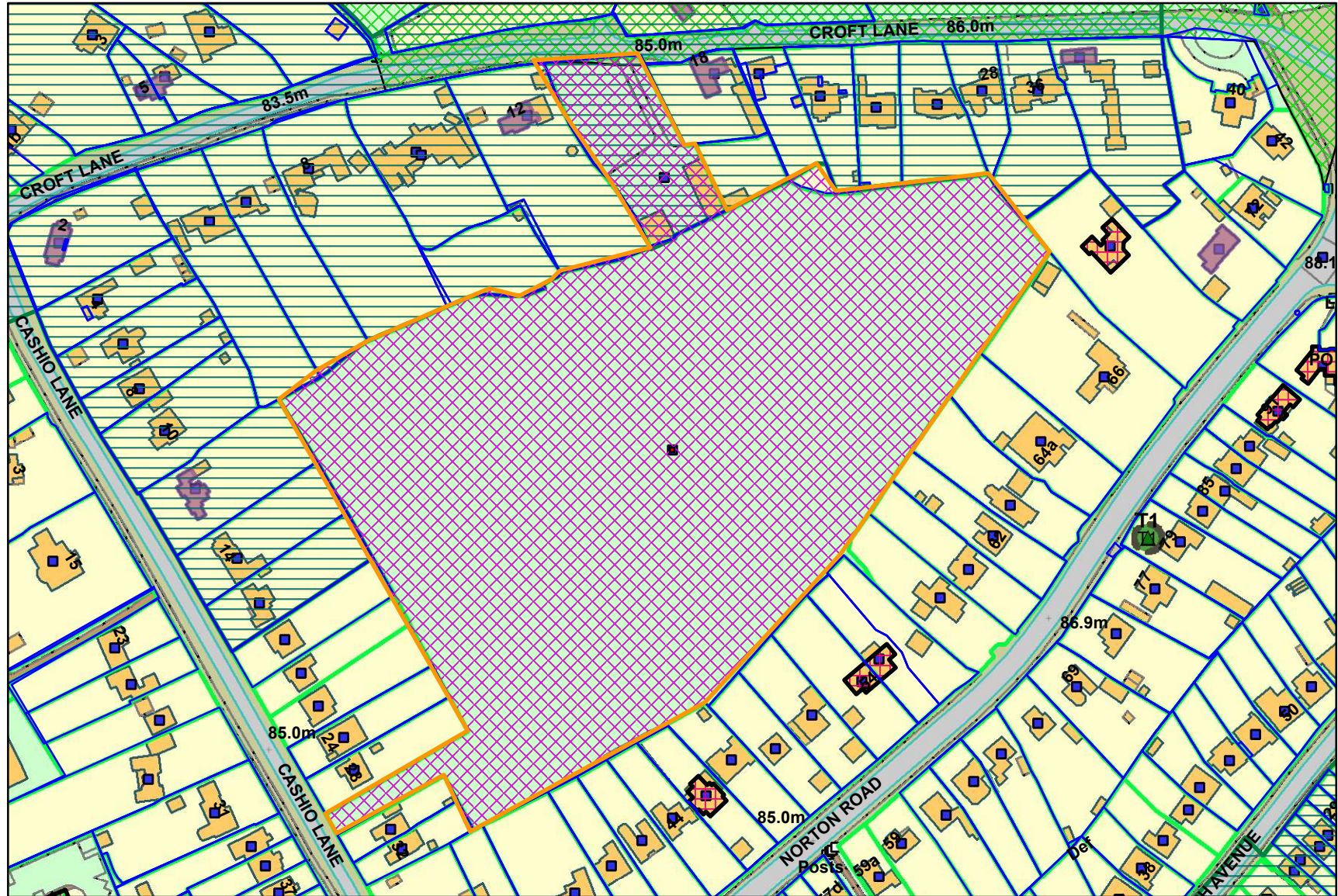
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## Application Validation Sheet

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

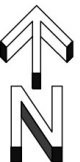
-  Acolaid Land Parcel  
Property.shp
-  Acolaid Address Point  
ap.shp
-  Planning Application (1999)  
Prapps99.shp
-  Area of Outstanding Natural Beauty  
Pranob.shp
-  Listed Buildings  
Prlistld.shp
-  Tree Preservation Order (Single)  
ORACLE
-  Tree Preservation Order (Group)  
ORACLE
-  Parish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



Scale 1:2,104

Date: 10/03/2021

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<u>Location:</u>	<b>The Boot 73 High Street Baldock Hertfordshire SG7 6BP</b>
<u>Applicant:</u>	<b>Mr Mandeep Basra</b>
<u>Proposal:</u>	<b>Two storey side extension, first floor rear and side extensions and change of use of building from Public House and three bedroom flat to C3 Residential to create 4no two bedroom flats and 2no one bedroom flats (as amended by plans received November 2020)</b>
<u>Ref. No:</u>	<b>20/01098/FP</b>
<u>Officer:</u>	<b>Melissa Tyler</b>

**Date of expiry of statutory period :** 23.11.2020

## **Reason for Delay**

Negotiations with Highways and committee cycle.

## **Reason for Referral to Committee**

This planning application has been called into the Planning Control Committee by Cllr McNally on the basis that car parking levels car parking does not meet parking standards.

## **Submitted Plan Nos**

3545 01 Location Plan  
3545 02 Plans and elevation – Existing  
3545 03 Sections – Existing  
3545 10 D Proposed Site Plan  
3545 11 B Proposed ground floor plan and elevations  
3545 12 B Proposed first floor plan and elevations

200 Topographical Survey  
Design and Access Statement Rev A  
Tree Report  
Public House Viability Test Report

1.0 **Policies**

1.1 **National Planning Policy Framework**

Paragraph 11 'Presumption in Favour of Sustainable Development'

Section 2. Achieving sustainable development

Section 5. Delivering a sufficient supply of homes

Section 9. Promoting sustainable transport

Section 11. Making effective use of land 35

Section 12. Achieving well-designed places

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

Policy 8 – Development in Towns.

Policy 26 - Housing proposals.

Policy 55 - Car Parking Standards.

Policy 57 - Residential Guidelines and Standards.

1.3 **Supplementary Planning Documents.**

Vehicle Parking Provision at New Development.

1.4 **North Hertfordshire District Local Plan 2011-2031**

Policy SD1 'Presumption in Favour of Sustainable Development'

Policy T1 'Sustainable Transport'

Policy T2 'Parking'

Policy HDS1 'Housing Targets 2011-2031'

Policy HDS2 'Settlement Hierarchy'

Policy D1 'Design and Sustainability'

Policy D3 'Protecting Living Conditions'

Policy NE6 'Reducing Flood Risk'

Policy NE7 'Water Quality and Environment'

Policy NE9 'Contaminated Land'

2.0 **Site History**

2.1 None relevant to proposed development

3.0 **Representations**

3.1 **Statutory Consultees**

**HCC Highways** – No objection – Condition recommended

**North Herts Environmental Health** - no objections to the proposed change of use

## **North Herts Waste – comments made**

**HCC Historic Environment** – Conditions proposed given the location and size of the proposed extension

### **3.2 Neighbour Representations**

3 Pinnocks Lane – Privacy issues including balcony and rear facing windows, trees and extension causes light issues to gardens, noise and lack of parking

5 Pinnocks Lane – lack of parking and trees should be removed Concerns over balcony – loss of privacy and noise

11 Pinnocks Lane – positive with keeping existing design on High street of former pub. Negatives – limited parking which will impact parking in Pinnocks Lane.

71a High Street – supports conversation to flats. Queries boundary maintenance

### **4.0 Planning Considerations**

#### **4.1 Site and Surroundings**

4.1.1 The former public house The Boot which ceased trading in November 2019, is a two storey building with an existing parking area for 6 cars to the side of the property located on High street just outside the town centre area opposite Tesco's. The property is surrounded by residential properties. It shares boundaries with 71a High street, 83 High Street and a number of residential properties on Pinnocks Lane.

#### **4.2 Proposal**

4.2.1 Planning permission is sought for two storey side extension, first floor rear and side extensions and change of use of building from Public House and a single three bedroom flat to C3 Residential to create 4 x two bedroom flats and 2 x one bedroom flats.

4.2.2 4 parking spaces are proposed. This is a reduced number than originally proposed in order to enter and leave in a forward gear by providing sufficient room to manoeuvre the vehicles.

4.2.3 Waste and recycling bin stores are proposed along with the conversion of an existing outbuilding to be used as a secure bike storage sited on the rear boundary behind the proposed flats for 6 bikes.

4.2.4 The existing Sycamore tree is also proposed to be removed and to be replaced with more suitable sized trees. (See Tree Report found on website)

4.2.5 Materials include plain roof tiles to match the existing, Painted render at first floor and red facing brickwork with dentil course at ground floor to match the existing.

### 4.3 Key Issues

#### 4.3.1 The key issues in the determination of this application are

the principle of the residential use;  
parking requirements;  
the living conditions of the future occupiers of the premises;  
the character of the building and sites surroundings;  
and the living conditions of the occupiers of adjoining premises.

#### **Principle of residential**

#### 4.3.2 The Council is required to determine all planning applications in accordance with the development plan, which currently consists of the Saved Local Plan - North Hertfordshire District Local Plan no.2 with Alterations (SLP). Some weight is also afforded to the emerging North Hertfordshire Local Plan 2011-2031 (ELP) and the National Planning Policy Framework (NPPF) is also a material planning consideration.

#### 4.3.3 Saved Policy 26 (Housing Proposals) of the Local Plan No.2 states that the Council will permit development ***'on sites within residential areas and elsewhere, if the proposal is acceptable in that location within the environment and character of the existing area'***. Policy SP9 (Design and sustainability) of the Proposed Submission Local Plan 2011-2021 states that ***'The Council considers good design to be a key aspect of sustainable development. We will: (a) Support new development where it is well designed and located and responds positively to its local context'***. In line with policy 8 of the Saved Local Plan (SLP), the Council will normally permit proposals to meet the majority of the development needs of the District within towns.

#### 4.3.4 In regard to the change of use from a public house to residential use. While the loss of the business is regrettable, I can see no material planning objection based on policy. There is no policy protection within the Local Plan for the retention of small public houses within settlements where a range of services and other public houses exist within easy access. Furthermore, national and local planning policies seeks to increase housing densities in urban areas and to make good use of brown field sites to negate the need to develop green field sites. Therefore, this application is considered to accord with these principles. Further, the use of the building as residential flats will undoubtedly be less problematic for neighbours that its use as pub, indeed the change would probably result in an improvement in the general amenity of the area. The application includes the submission of a Viability Assessment and concludes that the use as a public house is not viable. There are 10 other public houses within the town centre and a number of different restaurants which are more centrally located. The former Boot is located outside the town centre area and in a prominently residential area.

- 4.3.5 The NPPF sets out a presumption in favour of sustainable development. There is no objection to the principle of the residential development of this site, in my view. Looking at the site in the broader context of sustainability, the site lies within the town of Baldock and is situated centrally to the town, with good access to a range of modes of transport, services and facilities. Consequently, in principle, residential development of the site is considered acceptable and would meet sustainability criteria set out in the NPPF.
- 4.3.6 The proposal would benefit the overall supply of housing and contribute to reducing the Council's five year shortfall. This would provide further social and environment benefits by making efficient use of previously developed in a location accessible to a full range of services, reducing the need to travel, particularly by car. There would be significant local economic benefits from the construction and servicing of the development and the future consumer spending of occupiers.

#### **Design and character of surrounding**

- 4.3.7 The location of the proposed extensions to the side and rear of the property would not have an adverse visual impact upon the street scene in my opinion. The side extension would be visible in the streetscene however this two storey extension would be sympathetic to the host building using materials to match the existing and appear subservient given the lower eaves and ridge height therefore would sit comfortably with the host building and the wider street scene.
- 4.3.8 It is my opinion that the amended scheme would not cause significant harm to the character and quality of the area and would thus comply with the provisions of Section 12 of the Framework and Emerging Policies SP9 and D1, and Saved Policy 57.

#### **Living conditions of adjoining properties**

- 4.3.9 A number of neighbouring residents had raised concerns with regards to overlooking and loss of privacy following the conversion to flats. Taking the comments of the neighbours into account, the agent has now removed the proposed balcony on the rear elevation that would have served unit 102. With regards to windows, the existing building has a flat at first floor where an existing window on the rear elevation facilitated a living room. Within the original building only one additional window is proposed to facilitate a bedroom at first floor (flat 101). I would therefore conclude that the potential increase in loss of privacy is no different than the existing flat at first floor. Two windows are proposed in the two-storey extension which facilitate kitchen/living rooms for two flats (102/103). These kitchen/living rooms have dual aspects and I have therefore recommended a condition to obscure glaze these windows which will reduce any perceived loss of privacy to the rear gardens of Pinnocks Lane. I therefore consider that no significant harm would be caused to the living conditions of nearby residents.

4.3.10 A neighbour has also raised concerns with regards to the proposed two storey extension and the dominance this would have on the rear garden of adjacent properties. The extension has been designed with a lower ridge height than the existing pub and using matching hipped roofs to reduce the bulk of the extension. The building would only partial affect the very ends of the gardens of Pinnocks Lane and due to the orientation of the extension and the relationship to neighbouring properties I do not consider that the proposed extension would result in any unacceptable level of over dominance of the neighbouring properties, given the distances between the proposed flats and the rear elevations of the neighbouring properties. I therefore consider that the extension would not have an adverse built impact on the neighbouring property in terms of loss of daylight/sunlight or being unduly dominant in the outlook they currently enjoy.

#### **Living conditions of future occupiers**

4.3.11 In terms of the future residents, it is important to ensure that this development provides a satisfactory living environment. Internal layouts of rooms would provide a good standard of amenity for future occupiers. In my view the scheme would be in line with the residential guidelines and standards set out in Policy 57.

#### **Parking and access**

4.3.12 The proposal offers four parking spaces and would not meet the Council's minimum car parking standards and so would conflict with NHDLP Policy 55.

4.3.13 However, paragraph 109 of the National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposal would not cause traffic congestion and the local highway authority has raised no objections. Based on the evidence, a severely harmful impact upon the parking capacity of the local highway network and local public car parks would not result.

4.3.14 This proposal is located just outside the town centre area, with good access to bus services and a wide range of regularly required services and facilities, including the rail station, all within a short walking or cycling distance. Therefore, future residents would not be dependent upon car ownership to meet most of their daily required needs.

4.3.15 Some future residents would still likely to be car owners. However, I am not persuaded that as a consequence this would result in material harm to the living conditions of neighbouring occupiers by exacerbating illegal and inconsiderate parking, including on pavements and verges, or in respect of increasing parking stress in areas with unrestricted on-street parking.

4.3.16 Furthermore, considering the depth of on-street parking restrictions in the surrounding area, it is not considered that the proposed four parking spaces for the proposed development would materially harm the safe operation of the highway or cause harm to the occupiers of adjoining premises by reason of displaced vehicle parking.

- 4.3.17 The details submitted in this application, including the application form and proposed site plan, state that 6 cycle parking spaces are to be provided in an existing outbuilding. It is considered that the securing of cycle parking provision, combined with the accessibility of the site from alternative modes of transport to private vehicle are material considerations which outweighs the conflict with policy 55 of the SLP, policy T2 of the ELP and the Vehicle Parking at New Development SPD.

### **Landscaping**

- 4.3.18 Following objections regarding the existing trees a Tree report was submitted and the proposal includes the removal of 1 Sycamore Tree. The adjacent neighbours have requested this tree be removed due to its dominance and overbearing nature on the adjacent garden.
- 4.3.19 Landscaping details have been outlined on the Proposed Site Plan. I raise no objection to the proposed landscaping details. I have recommended a number of conditions which existing and proposed landscaping during construction and for the life-time of the development.

### **Other technical issues**

- 4.3.20 Conditions have been recommended following consultation with Environmental Health, Hertfordshire Historical Environment Team. No objections were received.

### **Waste**

- 4.3.21 The site plan shows bins and boxes to be stored at the side and rear next to parking area of the proposed dwellings. Occupiers would present these to the pavement on the frontage on collection day. These arrangements would minimise the appearance of waste and recycling receptacles in the streetscene of the development, retaining an attractive appearance to the development. The Waste Officer had made comments and recommendations for the developer to follow if permission is granted.

### **Planning Obligations and Wider Infrastructure**

- 4.3.22 Being 6 units, the scheme falls below the threshold for obligations directed by National Planning Guidance.

## **4.4 Conclusion**

- 4.4.1 The proposed development would, subject to conditions, accord with the policy principles of the local development plan framework. The proposed use would be in a sustainable location, and promote the use of alternative modes of transport to private motorised vehicles. The design of the development would preserve the significance of the site as a former public house, and respect the living conditions of the occupiers of adjoining premises.

#### 4.5 **Alternative Options**

None applicable

#### 4.6 **Pre-Commencement Conditions**

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

#### 4.7 **Climate Change**

4.7.1 The proposed development, by virtue of its limited scale and appropriate design within the site, is sufficiently sustainable and would therefore be in compliance with Policy D1 of the Emerging Local Plan.

4.7.2 A condition for the inclusion of Electric Charging points has been requested by the Air Quality Officer to overcome impact of climate change to be secured via the grant of planning permission.

4.7.3 Replacement trees and appropriate landscaping has been conditioned.

#### 4.8 **Site Assessment**

4.8.1 **In this case due to current circumstances regarding Covid-19 Pandemic and the current Government Restrictions a site visit from the public highway was able to take place. An assessment as to the impact of the proposed built form was undertaken using both a site visit and satellite imagery (google Maps dated August 2018) In this case it is considered that the information available and provided is sufficient to assess the impact of the development on the living conditions of the adjoining properties.**

#### 5.0 **Legal Implications**

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



6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions:

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

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

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

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

3. Prior to the commencement of the use hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number (Rev: 10 C). The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

4. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number 10 Rev C to the Highway Authorities 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 highway carriageway.

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

5. Prior to the first occupation of the development hereby permitted the proposed onsite car and cycle parking areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan (drawing 10 Rev C) and retained thereafter available for that specific use to ensure satisfactory parking of vehicles outside highway limits. Parking areas shall also be surfaced in tarmac or similar LPA approved durable, bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway .

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

6. The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

7. The approved details of landscaping as shown on Proposed Site Plan 3545 10D 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.

8. 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.

9. Any tree felled, lopped, topped, 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 Authority 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.

10. Prior to occupation, each parking space shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained.

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.

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

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

12. The materials as shown on approved plan 3545 11B are to be used on all external elevations and the roof of the development hereby permitted shall be implemented on site unless otherwise approved in writing by the Local Planning Authority before the development is commenced.

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

13. The windows at first floor level relating to the kitchen/living room window of Flat 102 and the kitchen/living room window of Flat 103 on the North East elevation (as shown on plan 12B) hereby permitted shall be permanently glazed with obscure glass.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

14. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
  2. The programme 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 set out within the Archaeological Written Scheme of Investigation.

15. 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 (14)

16. 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 (14) and the provision made for analysis and publication where appropriate

Proactive Statement:

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

Informative/s:

1. Flats:  
Doors to bin stores should be sufficient in width to allow the movement of bins at their widest and prevent entrapment of limbs. This is likely to be a minimum of 20cm in addition to the widest bin contained in the bin store.  
  
Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available.  
Doors should ideally be keypad entry or standard fire brigade keys. We do not support the use of electronic key fobs.  
  
Roller shutters on bin stores can be considered to save space however the additional noise impacts should be considered.  
  
Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.  
  
We do not advise the use of bin compactors, as they often cause excessive damage to bins or cause waste to get stuck inside bins. If bin compactors are used on site you should advise your waste collection contractor.  
  
Bins in communal bin stores should be manoeuvrable to the refuse collection vehicle without the need to move other bins.  
For flats, bins should be ordered direct from the Council's contractor 10 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.
2. AN1) Storage of Materials The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.  
Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) Highway Obstruction It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Mud Deposit It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

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## Application Validation Sheet

20/01098/FP The Boot, 73 High Street, Baldock, Hertfordshire, SG7 6BP

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



Scale 1:750

Date: 25/03/2021

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