

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**



30 June 2023

Our Ref Planning Control Committee 11 July 2023  
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To: Members of the Committee Councillors Val Bryant (Chair), Tom Tyson (Vice Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Nigel Mason, Ian Moody, Sean Nolan, Louise Peace, Terry Tyler and Phil Weeder

Substitutes: Councillors David Barnard, Cathy Brownjohn, Sam Collins, Ian Mantle, Michael Muir and Dave Winstanley

**NOTICE IS HEREBY GIVEN OF A**

**MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

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

On

**TUESDAY, 11TH JULY, 2023 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>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>2.</b>	<b>MINUTES - 15 JUNE 2023</b> To take as read and approve as a true record the minutes of the meeting of the Committee held on the 15 June 2023.	(Pages 5 - 14)
<b>3.</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>4.</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>5.</b>	<b>PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public.	
<b>6.</b>	<b>23/00590/FP 93 NINESPRINGS WAY, HITCHIN, HERTFORDSHIRE, SG4 9NU</b> <b>REPORT OF THE SENIOR PLANNING OFFICER</b>  Change of use of existing residential dwelling to registered Children's Home (C2)	(Pages 15 - 24)

- |    |  |                    |
|----|--|--------------------|
| 7. | <b>23/00750/FP LAND BETWEEN DURHAM WAY AND YORK WAY,<br/>ROYSTON SG8 5GX</b><br>REPORT OF THE SENIOR PLANNING OFFICER  | (Pages<br>25 - 44) |
|    | Erection of one Class E (g (ii) and (iii)), B2 and B8 unit with associated service yard, car parking, landscaping and ancillary works  |                    |
| 8. | <b>22/00754/FP THE FOUNDRY, STEVENAGE ROAD, ST IPPOLYTS,<br/>HITCHIN, HERTFORDSHIRE, SG4 7NX</b><br>REPORT OF THE SENIOR PLANNING OFFICER  | (Pages<br>45 - 64) |
|    | Erection of 7 dwellings (2 x 3-bed and 5 x 4-bed) including associated amenity space, parking, landscaping and creation of vehicular access off Brookend Lane following demolition of existing buildings |                    |
| 9. | <b>PLANNING APPEALS</b><br>PLANNING APPEALS REPORT OF THE DEVELOPMENT AND<br>CONSERVATION MANAGER.   | (Pages<br>65 - 78) |

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## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY  
ON THURSDAY, 15TH JUNE, 2023 AT 7.30 PM

#### MINUTES

**Present:** *Councillors: Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, Ian Moody, Sean Nolan, Louise Peace and Phil Weeder*

**In Attendance:**

*Sjanel Wickenden (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Shaun Greaves (Development and Conservation Manager), Thomas Howe (Planning Officer), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer) and Tom Rea (Senior Planning Officer)*

**Also Present:**

*At the commencement of the meeting approximately 12 members of the public, including registered speakers were present. Councillors Claire Strong and Gerald Morris were also present.*

#### 71 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 59 seconds*

Apologies for absence were received from Councillors Nigel Mason, Terry Tyler and David Levett.

Having given due notice, Councillor Cathy Brownjohn substituted for Councillor Mason and Councillor Michael Muir substituted for Councillor Levett.

#### 72 MINUTES - 6 APRIL 2023

*Audio Recording – 2 minutes 27 seconds*

The Chair reminded Members that those who were new to the Committee, or who were not in attendance at the last meeting, would not normally vote to approve the minutes

Councillor Val Bryant, as Chair, proposed and Councillor Tom Tyson seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 6 April 2023 be approved as a true record of the proceedings and be signed by the Chair.

#### 73 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 3 minutes 24 seconds*

There was no other business notified.

#### 74 CHAIR'S ANNOUNCEMENTS

*Audio recording – 3 Minutes 28 seconds*

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) 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.
- (3) The Chair Clarified the speaking process for public participants.
- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.

## **75 PUBLIC PARTICIPATION**

*Audio recording – 4 minute 47 seconds*

The Chair confirmed the registered speakers were in attendance.

## **76 22/02225/FP NICHOLLS YARD, CROW LANE, REED, HERTFORDSHIRE, SG8 8BJ**

*Audio recording - 5 minute 30 seconds*

The Senior Planning Officer provided an update from the Historic Environmental Advisor at Hertfordshire County Council, who had advised of the following, that:

- The site lays within a rich and potentially significant archology landscape, focusing on prehistoric burial grounds on either side of Reed.
- The Anglo Saxon and Medieval settlements were quite unusual and several questions remained about the site remain and therefore a Geophysical survey was warranted.

The Senior Planning Officer presented the report in respect of Application 22/02225/FP supported by a visual presentation consisting of photographs and plans.

The Senior Planning Officer summarised that:

- This development offered limited benefits regarding overall housing needs with no affordable housing included and was not providing section 106 money for local services and the Parish Council.
- This development would cause significant harm to the open rural character and setting of the Conservation Area and would have an adverse visual impact to users of the public footpaths and highways.
- The harms of this development outweighed the positives.

There were no points of clarification from Members.

The Chair invited County Councillor Fiona Hill to speak against the application. County Councillor Hill thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- Reed Parish Council endorsed the Officers recommendation to refuse the Application.
- A site "RD1" on the Local Plan was allocated to provide the further housing growth in Reed including affordable housing.
- This Application did not offer any affordable housing.
- Since 2011 there had been a 10.5% housing increase in housing in Reed.
- Policy SP2 of the Local Plan should be applied with sensitivity in category A villages such as Reed and concluded that this development would harm the village.

- The Parish Council fully supported the judgement of the Planning Officer and the Conservation Officer, that the proposed development would be harmful to the area and overall character of Reed and would have an adverse effect on the village.
- The Parish Council requested that the Committee follows recommendations of the Planning Officer and refuses this application.

There were no points of Clarification from Members.

The Chair thanked County Councillor Hill for her presentation and invited Councillor Gerald Morris to speak against the application. Councillor Morris thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- He supported the comments of Reed Parish Council, the Officers and NDHC Conservation Officers and the recommendation to refuse this application.
- The site was part of a previous planning application where it was stated that the land should remain undeveloped and landscaped.
- The development would have an adverse effect on the character and appearance of the surrounding area.
- The application is not accompanied by a Biodiversity net gain metric.
- No energy assessment had been received.
- The application offered no affordable Housing.
- Any new developments would require the sewage treatment plant at Reed to be upgraded to prevent an environmental problem.

There were no points of Clarification from Members.

The Chair thanked Councillor Morris for his presentation.

Councillor Daniel Allen proposed and Councillor Michael Muir seconded and, following a vote, it was:

**RESOLVED:** That application 22/02225/FP be **REFUSED** planning permission due to the reasons outlined in the report of the Development and Conservation Manager.

**77 22/03245/FPH 5 HIGH STREET, PIRTON, HERTFORDSHIRE, SG5 3PS**

*Audio recording – 24 minutes 33 seconds*

The Planning Officer informed the Committee that there were no updates or changes since the report, but some extra labels had been added to the plan of the roof slope.

The Planning Officer presented the report in respect of Application 22/03245/FPH supported by a visual presentation consisting of photographs and plans.

In response to a question from Councillor Louise Peace, the Planning Officer advised, that the party wall was a civil matter and did not pertain to the application.

The Chair invited Pirton Parish Councillor Diane Burleigh to speak against the application. Parish Councillor Burleigh thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The Parish Council would not have objected to a more modest version of the application but felt this extension was too large and dominant in what was a small and cramped space.
- The property was part of three terraced cottages from the late 19<sup>th</sup> Century which have a 13.5-foot-wide narrow garden.

- The property was listed as a property of interest in the Pirton Neighbourhood Plan.
- Under section 8 and 3 of the Neighbourhood Plan the extension would not meet the guidelines and would not enhance the Conservation Area.
- The extension was taller than the current outbuilding, and at over 12 feet wide the extension would provide very little room between the boundaries.
- The current house had a footprint of 40 square meters or 46 if the outbuilding was included. The extension would increase the footprint to 69.
- The extension was not sympathetic to the neighbouring properties, from No 7 there would be 20 inches of path and then a 10-foot wall which would block out light.
- The front roof lights are not in keeping with the Conservation Area.
- The applicant had offered blinds to prevent light pollution but there is no guarantee that would continue with future occupants.

The following Members asked point of clarification:

- Councillor Sean Nolan
- Councillor Daniel Allen

In response to the points of clarification Parish Councillor advised:

- The property was listed in Pirton Neighbourhood Plan as a building of local interest, it is a non-listed important building of local interest.
- The floor plan was 40 square meters, but with the outbuilding it is 46 square meters, the new plan was a 75% increase on existing area.

The Chair thanked Parish Councillor Burleigh for her presentation and invited Councillor Claire Strong to speak against the application. Councillor Strong thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- She supported the objections of the Parish Councils to this application.
- The extension covered a larger footprint than the existing outbuilding, most of the extension is on the other side of the outbuilding and covered a large area of the garden, bordering No 7.
- The application was in a Conservation Area, but there was no published report from the Conservation Officer.
- The report suggested the extension complied to point 3.1 of the Pirton Neighbourhood Plan, but the scale of the extension was not subservient to the property.
- The height of the roof and the roof lights were not in keeping with the host building and the terrace row of houses.
- The 10-foot extension wall offered no safeguarding for No 7 against access, noise, privacy, outlook and daylight, and questioned if any measurements had been taken.
- Under the Local Plan, regarding the layout and function of the extension, the application should be refused.
- A condition for blinds to be installed on the roof lights was needed to prevent light pollution.
- If approved, work needed be in line with working hours, so it would not affect any neighbours.
- New paving installed should be required to be permeable.

There were no points of clarification from Members.

The Chair thanked Councillor Strong for her presentation and invited Charlotte Fausset to speak in support of the application. Ms Fausset thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The family have been in the village for 42 years and included a teacher at the local school.



- The property was a 2 bedroom cottage with an outbuilding that did not meet building regulations and, the property had a 25 meter long garden.
- There was a lack of feasible, affordable accommodation in Pirton.
- The extension was planned considering the rear access, drainage, the orientation of the sun, long garden and mindful of the listed building.
- After a neighbourhood plan survey in 2015 it was concluded that the most important need for housing in Pirton was for the elderly and local people, which was how the Local Plan evolved.
- Ms Fausset felt the Parish Council was acting unfairly and going against their principles in the Local Plan, which had help for the elderly and young families at its core.
- The new housing stock in Pirton had very few affordable 2 and 3 bedroomed properties and the interest rates rises the Applicants had chosen to extend rather than buy elsewhere.
- The owner of No 7 had been consulted and the owner stated that they understood and supported the reasons for the extension.
- The two ground floor windows at No 7 which, overlooked the extension were for the bath and utilities rooms.
- All works would take place on the site of No 5 and the fence to No7 would not be disturbed.

The following Members asked points of clarification

- Councillor Simon Bloxham
- Councillor Tom Tyson
- Councillor Daniel Allen
- Councillor Michael Muir

In response to the points of clarification Mrs Fausset advised that:

- The windows at No 7 facing the boundary fence were a utility room and a ground floor bathroom.
- The current outbuilding extension was 1.9 meters tall and with the rafters it was 2.5 meters tall.

The Chair thanked Ms Fausset for her presentation.

In response to the points of clarification raised during the public presentation the Planning Officer advised that:

- Following consultation with the Conservation Officer, the number of roof lights were reduced from 5 to 3 but this was not a formal recommendation.
- A proposed condition requiring the installation of blinds would not be enforceable.
- Light impact was considered, and they have advised that a light coloured render should be applied.
- The 50% increase referred to, regarding the new total area, related to the original floor plan, without the outside storage space included, as the extension was to replace the existing outside storage it was therefore relevant to consider.
- There would be 1.1 meters between the building of No 7 and the new side elevation extension.
- Comments identified as 'Neutral' had been received from the resident at No 7.

Councillor Daniel Allen proposed the application to be approved with the following additional conditions, that the use permeable paving be required and that a Construction Management Plan be submitted and approved. This was seconded by Councillor Michael Muir and, following a vote, it was:

**RESOLVED:** That application 22/03245/FPH be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager with the following additional conditions:

"Condition 4:

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

- (1) Construction vehicle numbers.*
- (2) Access arrangements to the site for the delivery of materials and equipment.*
- (3) Details of the storage of materials on-site.*
- (4) Timing of construction activities (including delivery times and removal of waste) and the hours of construction.*

*Reason: In the interest of highway safety and residential amenity".*

"Condition 5:

*All paving hereby approved and constructed on site shall be permeable unless otherwise approved in writing by the Local Planning Authority.*

*Reason: In the interest of ensuring that suitable drainage is provided".*

*Following the conclusion of this item there was a short break in proceedings until 20:41*

**78      22/00516/FP LAND TO THE WEST OF LUCAS LANE AND EAST OF HEADLANDS, GRAYS LANE, HITCHIN, HERTFORDSHIRE, SG5 2HR**

*Audio recording 1 hour and 11 minutes*

The Development and Conservation Manager, informed the Committee that there were updates provided in the Supplementary Pack which included:

- Clarification of drawing numbers and a tree survey.
- A revised appraisal of the biodiversity submitted by Herts & Middlesex Wildlife Trust showed a net loss of 1.17 hectare, which could be offset by a contribution of £15K to build an offsite enhancement in North Herts.
- The County Council had withdrawn their request for a financial contribution as this application fell below their 10-house threshold.
- A new condition had been added, requiring the provision of a soft and hard landscaping scheme.

The Development and Conservation Manager presented the report in respect of Application 22/00516/FP supported by a visual presentation consisting of photographs and plans.

The Development and Conservation Manager summarised that:

- The site extended to 0.8 hectares and included woodland on the western edge of Hitchin.
- When the Local Plan was adopted the site was removed from the Green Belt.
- The site was acceptable for a residential development as set out in the Local Plan.

- The Local Plan estimated 16 dwellings on the site, this application is for 9, and considered the location, accessibility, density and constraints of hedge land, site access and trees.
- The application was for six, five bedroom houses, one, four bedroom houses and two three bedroom houses.
- The site was on the edge of town in a low-density area and the proposed houses were in keeping with the scale and character of nearby large detached dwellings.
- The layout and was acceptable under Policy D1 of the Local Plan.
- The woods would be repurposed and are subject to a landscaping condition.
- After the access point for this development, Lucas Lane became a bridleway, and the Local Planning Authority considered this application acceptable subject to conditions listed in the report.

The following Members asked points of clarification:

- Councillor Sean Nolan
- Councillor Ian Moody
- Councillor Michael Muir
- Councillor Louise Peace
- Councillor Daniel Allen
- Councillor Tom Tyson
- Councillor Val Bryant

In response to the points of clarification, the Development and Conservation Manager stated that:

- Access via Grays Lane to the site was an adopted road but there were no plans to adopt Lucas Lane.
- Road access would be the same for this application and for the HT6 application.
- Using DEFRA calculation which considers different species with different biodiversity values, it was concluded that there was a net loss on the site of 1.17 habitat units.
- There was a well-used path across the site but it was not a public footpath as defined by the County Council.
- The illustrations showed some planting of trees and landscaping to reflect the master plan landscaping.
- A revised plan was submitted to Highways which had been agreed.
- A further condition had been added regarding waste and recycling.
- The response from the County Councils changed after further clarification and drawings of the bridleway.
- The Right of Ways officer had yet to respond, but the bridleway had a free and safe passage in the design and was shown outside of the red development area.
- S106 money was based on the biodiversity loss and not for the number of dwellings.
- The County Council had reviewed the application against their policy and agreed no S106 money was required as the application was below the dwellings threshold.
- The application was below the threshold for affordable housing.

The Chair invited Mr Phil Davis to speak against the application. Mr Davis thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- He was presenting the objection on behalf of Save Hitchin Green Belt on the grounds of: loss of biodiversity, wildlife habitat, site access, increased pollution, and housing numbers.
- The removal of this land would cause a huge loss, this area acts as a carbon sink and absorbs 1 ton of carbon per hectare.
- Three sizable horse chestnut trees were to be removed with no regards to woodlands or wildlife, these trees are 6 foot in circumference.

- There was a Tree Protection Order (TPO) on the woodland, which was proposed to be a playground.
- The Ecological survey was incomplete, inaccurate, and misleading. It did not mention, the TPO, and the Woodlands on the site were referred to as dense scrubs. The survey did not mention any animals, or the non-cultivated grassland which is a great biodiversity asset.
- A night survey of animal had not occurred, and this was when most wildlife in this area appeared.
- This site included one of only two non cultivated grassland areas in Hitchin.
- The development would cause the destruction of feeding land.
- The development did not have any affordable houses.
- This site should be removed from the Local Plan and returned to Green Belt.

There were no points of clarification from Members.

The Chair thanked Mr Davis for his presentation and invited Councillor Keith Hoskins to speak against the application. Councillor Hoskins thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- Concerns regarding this application included, the traffic volume, traffic noise, Highways, safety and air quality.
- Highways rejected the Pirton junctions due to concerns regarding congestion and overcapacity in peak hours.
- Highways initially rejected the Lucas Lane access, given the intersection and safety.
- Hertfordshire County Councils right of ways officer should be contacted to supply a statutory response regarding the bridle way and road access.
- There were real concerns about what consideration had been made for the road users' hierarchy at this junction.
- There had been little consideration made, for off street parking and emergency vehicle access.
- The NHDC Air Quality Action Report 2018 highlighted the concerns of Payne's Park roundabout in Hitchin and recommended that the area lower its nitrate dioxide.
- NHDC was committed to reducing the exposure of people to poor air quality.
- The access route at Gray's Lane was a known hotspot for nitrate dioxide according to the 2018 report from 5 years ago, and traffic had increased since then.

In response to a point of Clarification from Councillor Sean Nolan, Councillor Hoskins stated that the highways team were too narrowly focused on the Lucas Lane site access, and not to looking at the wider impact.

The Chair thanked Councillor Hoskins for his presentation and invited Will Berry to speak in support of the application. Mr Berry thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The development company, the Hill Group was a 5-star house builder, and this application was designed following public consultation and discussions with Planning Officers.
- The development was considerate to the constraints, surrounding character and contents and the vegetation of the proposed area.
- The TPO area would be enhanced and made available to the public there would be some selective thinning of the scrub land, but the replanting would allow more light into the area.
- Further ecological benefits of the development were the provision of bird and bat boxes, hedgehog holes, and log pile bug hotels.
- The development consisted of nine houses with gardens and parking, in keeping with the existing homes, having bay windows, bricks banding details and pitched roof.
- All the homes would be energy efficient, with fabric first approach, air pumps and EC charging points to all homes.

- A consultation had been conducted with County Highways regarding the access road and a pedestrian priority crossing.
- The site had some constraints, regarding access, sewerage, TPOs and hedgerows.
- The design was sensitive to the location and of a high quality but low carbon footprint.

The following Members asked points of clarification:

- Councillor Val Bryant
- Councillor Tom Tyson

In response to the points of Clarification the Mr Berry stated:

- The garages all have pitched roof and would be built to the North Herts District Council standards. Three of the garages would also have studios above them.
- All roofs would be pitched in keeping with existing houses in that area.
- The housing mix was based on access to schools and population density of the area.
- Too many small houses had already been built.

The Chair thanked Mr Berry for his presentation.

In response to the points raised during the public presentations, the Development and Conservation Manager advised:

- Section 8.19 of the local plan HS3 confirmed that there had been a greater delivery of smaller dwelling to larger ones.
- Section 8.19 was flexible and dependant on the location, and character of the area.
- The dwellings to the east of this application were large, detached homes.
- Section 8.21 of the Local Plan stated that developments should have 60% of larger houses on the edge of town and 40% smaller.
- This application had one, three bed property.
- It was not clear from Council records what involvement of the rights of way officer had.
- The resolution could be subject to confirmation that there are no objections from the County Council's Rights of Way Officer.

The following Members took part in debate:

- Councillor Simon Bloxham
- Councillor Daniel Allen
- Councillor Sean Nolan
- Councillor Michael Muir
- Councillor Louise Peace
- Councillor Tom Tyson
- Councillor Val Bryant

Points raised in the debate included that:

- There was no valid reason to reject the application as it was in accordance with the Local Plan.
- An application of nine houses was disappointingly predictable.
- HT6 was a separate planning application.
- Concerns regarding the loss of biodiversity.

The Development and Conservation Manager clarified the conditions of the application, subject to, the addition landscaping scheme, waste collection and recycling strategy and clarification from the rights of ways officer.

Councillor Simon Bloxham proposed, with the amendments included, and this was seconded by Councillor Michael Muir and, following a vote, it was:

**RESOLVED:** That application 22/00516/FP be **GRANTED** planning permission subject to the conditions as set out in the report of the Development and Conservation Manager as amended by the Supplementary Agenda, as well as:

- (1) The completion of a satisfactory legal agreement or unilateral undertaking relating to achieving Biodiversity Net Gain from the proposed development, and the applicant agreeing to extend the statutory period in order to complete the agreement or provide a satisfactory unilateral undertaking.
- (2) Confirmation that Hertfordshire County Council's Rights of Way Officer has no objections to the proposal.

And the following additional condition:

"Condition 15:

*No dwelling shall be occupied until a scheme setting out details of all on-site household refuse and recycling storage and collection facilities (to include details of any enclosures or screening) to serve each dwelling have been submitted to and approved in writing by the local planning authority. The scheme shall also include arrangements for management of any other waste generated by the development. All such facilities shall be provided in accordance with the approved details prior to the first occupation of the corresponding dwellings and shall be maintained and retained thereafter.*

*Reason: To facilitate refuse and recycling collection. To protect the amenities of nearby residents and occupiers in the interests of visual amenity and to comply with Policies D1 and D3 of the North Hertfordshire Local Plan 2011-2031."*

## 79 PLANNING APPEALS

*Audio recording – 2 hour 12 minutes*

*N.B. Councillor Ian Moody left the Chamber at 21:42 and did not return to the meeting.*

The Development and Conservation Manager presented an update on "Planning Appeals" which included:

- The report identified the six appeals lodged and were awaiting a decision.
- The report identified the Planning Appeal decisions made since the last Planning Meeting. Of the six Appeals listed, four were dismissed and two were allowed for minor issues.

In response to a question from Councillor Simon Bloxham, the Development and Conservation Manager stated, that of the appeals allowed, 1 had been a split decision and the other was a Highways objection that the Inspector allowed.

**RESOLVED:** That the Committee noted the report.

The meeting closed a 21:46

Chair

<u>Location:</u>	<b>93 Ninesprings Way Hitchin Hertfordshire SG4 9NU</b>
<u>Applicant:</u>	<b>Pavandeep Haer</b>
<u>Proposal:</u>	<b>Change of use of existing residential dwelling to registered Children's Home (C2)</b>
<u>Ref. No:</u>	23/00590/FP
<u>Officer:</u>	<b>Melissa Tyler</b>

## **Reason for Delay**

COMMITTEE CYCLE

## **Reason for Referral to Committee**

Called in by Cllr Hoskins

## **Policies**

### **National Planning Policy Framework**

The following paragraphs of the NPPF are considered relevant to the determination of this application:

Paragraphs 7, 8, 10 and 11 - Achieving sustainable development

Paragraphs 38, 47, 54 and 55 - Decision-making

Paragraph 92 - Promoting healthy and safe communities

Paragraphs 104, 108, 110 and 111 - Promoting sustainable transport

### **Supplementary Planning Document.**

North Herts Parking SPD

### **North Hertfordshire District Local Plan 2011-2031 Local Plan and Proposals Map**

HS3 Housing Mix

HS4 Supported, Sheltered and older persons housing

D3 Protecting Living Conditions

T2 Parking

## 2.0 **Site History**

- 2.1 **20/02349/FPH** Single storey rear extension, hip to gable roof extension and insertion of dormer window to rear elevation and rooflights to existing front elevation roofslope to facilitate conversion of loftspace into habitable accommodation **CONDITIONAL PERMISSION GRANTED 02/12/2020**

**This development is currently under construction (at time of writing this report)**

## 3.0 **Representations**

### 3.1 **Statutory Consultees**

#### 3.1 **North Herts Environmental Health – No objection**

Following issues raised by neighbours' further clarification was sought but the EHO felt that due to intensity of the proposal no objection were raised.

#### 3.2 **Child Services –**

*Whilst it is not our remit to comment on the planning aspects of this application, we are able to address the requirement for such provisions in Hertfordshire.*

*Hertfordshire County Council publishes an annual sufficiency statement in relation to the accommodation of young people in care and the most recent version is available on <https://www.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/what-our-priorities-are-and-how-were-doing/what-our-priorities-are-and-how-were-doing.aspx> and is attached for your convenience. From this, you can see that it is the county's preference is to accommodate all the young people for whom it is responsible in or near Hertfordshire. Currently we are not able to do this, with around 100 children placed at a considerable distance from Hertfordshire. We are therefore supportive of providers who seek to address this shortfall by establishing new facilities within our borders.*

*Modern children's homes are intended to be very much like a family home where young people live in a setting as close to family life as possible. The staff look after them 24 hours a day and ensure that they have access to education and a range of activities for their wider wellbeing. They do, of course, transport the young people as needed to any such activity, just as would be the case in any family.*

*All provisions are registered and inspected by Ofsted. In addition, the commissioning team undertake their own visits as part of a rigorous Quality Assurance process. There are also strict regulations in place governing children's residential provisions.*



### 3.3 **Neighbour Representations**

1 petition has been received with approximately 100 signatures from local residents

- *Adversely affect the overall amenity which includes but is not limited to the character, peace & safety of the neighbourhood*
- *Expose the neighbourhood, which includes many elderly, children and vulnerable residents to an increased risk of anti-social behaviour, crime, noise & disturbance, which is non-conforming with the existing character*
- *Set a precedence for other such change of use applications, introducing business premises within quiet residential areas*

22 objections have been received

Below is a summary of submitted objections

- *Impact on amenities*
- *Highway safety*
- *Anti-social/criminal behaviour*
- *increase in noise*
- *increased intensity of use*
- *lack of amenities/facilities in the area*
- *setting a precedence for change of use in residential area*
- *commercial business set up*
- *Questions over the need*
- *Unsuitable dwelling due to lack of provision and space*
- *24 hr operations – impacting parking and noise*
- *Concerns surrounding the applicant/company*
- *Restrictive covenants on the property*
- *Impact on neighbouring properties value*

Concerns surrounding the applicant/company, restrictive covenants and impact on neighbouring properties value are not relevant planning matters and therefore cannot not be taken into account during the determination of this application.

### 4.0 **Planning Considerations**

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

- 4.1.1 The site is a semi-detached bungalow. Ground levels rise to the rear. The site is in an area of residential character comprising semi-detached dwellings. Off street parking for 3 vehicles is situated on the drive and front garden.

#### 4.2 **Proposal**

- 4.2.1 Planning permission is sought for the change of use of existing residential dwelling (C3) to registered Children's Home (C2)

4.2.2 The proposed children's care home would operate as such:

- No more than two children aged 11-17 living at the property at any time.
- 24 hour care would be provided (A child would have minimum of one carer with them 24 hrs per day and a maximum of three. Most likely there will be two members of staff at any time).
- Shift patterns – There are three shifts each day. A staffing team consist of six care workers. They will work two full days (including sleeping shift) and one-half day. This means the staff member would work from a morning shift start until the next day afternoon. The shift times are staggered so multiple staff do not leave/arrive at the same time.
- Parking for 2 cars are required – space for 3 – 4 cars on the driveway

As a result of the proposed change of use, no external alterations are proposed other than the obscured glazed windows and a fence between the host property and the neighbouring property of No. 91. These elements have been conditioned in light of an approval.

**4.3 Key Issues**

4.3.1 The key issues relate to the principle of development and the impact on the amenity of nearby occupiers.

- Principle of development
- Impact upon Residential Amenity
- Parking provision

Principle of Development

4.3.2 The application site is in a residential area within the settlement boundary of Hitchin as defined in Policy SP2 of the adopted Local Plan.

4.3.3 The proposal seeks to change the existing use of the residential dwelling to a children's care home, for two children, at No. 93 Ninesprings Way. The property is a short distance, approximately 35 metres from the nearest bus stop (Route 80) which goes between Hitchin town centre, Hitchin railway station and Stevenage town centre. As such, it is considered that the site is in a location that could be accessed by members of staff via sustainable transport and could be used by the occupiers of the care home if required. Being located in the south east corner of Hitchin the access via the road networks is in close proximity to the A602 and A1(M).

4.3.4 In regards to amenities. The property is in close proximity to a number of shops located on Ninesprings and there are two public open spaces with play areas also in close proximity, Oakfield and Brook View. There are also a number of schools in the vicinity both within Hitchin and Stevenage.

4.3.5 During the course of the application, concerns were raised in relation to the need for such a use and the lack of provision/space at the dwelling for the use. With regard to need, there are no policies at local or at national level that restricts the number of care homes that can or should be provided within a certain area. In terms of the lack of provision/space for the proposed use, it is considered that the number of individuals at the property would not increase above what could be achieved with the existing use as a residential dwelling

and separate legislation would ensure that the needs of the occupants are/can met (for example, OFSTED and Child Services).

#### Impact upon Residential Amenity

- 4.3.6 During the course of the application a number of neighbouring properties raised a number of concerns over the proposed development and its impact on their residential amenity. As no physical development is taking place, other than one obscure glazed windows and a new fence to the side boundary, the assessment on the impact upon neighbouring amenity will take into account all nearby dwellings on Ninesprings Way and Manton Road. Objections have been received by neighbouring properties raising concerns relating to general noise and disturbance impacts in particular from 'comings and goings' to and from the property. In the proposal, the number of bedrooms at the property would remain unaltered and it is therefore considered that the number of permanent occupants at the property is unlikely to increase. On this basis I conclude that there will not be a significantly detrimental impact on the neighbouring properties amenities from general activity from and from the property.
- 4.3.7 Furthermore, the applicant has confirmed that no more than 2 children would be permanent residents of the property at any given time. The application included the staff rota which details when staff will be arriving and leaving the property. The shift patterns have been stated by the applicant as follows:
- "There are three shifts each day. A staffing team consist of six care workers. They will work two full days (including sleeping shift) and one-half day".*
- This means the staff member would start work at the morning shift until the next afternoon. The shift times are staggered so multiple staff do not leave/arrive at the same time. It is my opinion that this shift pattern is not considered to result in any significantly detrimental noise and disturbance impacts on neighbouring properties amenities as these would coincide with typical movements for the working day and school and be similar to the normal patterns of movement from and to a typical family home.
- 4.3.8 On balance, it is considered that the general noise and disturbance impacts would not be above and beyond what could be achieved at a family dwelling and therefore does not warrant refusal of planning permission for this reason.
- 4.3.9 The occupiers of No. 91 have raised concerns in regards to the orientation of the dwellings in that the front doors of both properties face each other. Please note that this application is not proposing any changes to the internal layout of the house and therefore the occupiers of no.91 purchased their home with this arrangement. To overcome this concern the applicant has agreed to conditions being imposed if an approval was agreed in that all windows on the side elevation at ground floor and first floor levels are to be obscure glazed and a fence to be erected between the two properties to safeguard the privacy and amenity of both occupiers of the host property and the neighbouring property.
- 4.3.10 Concerns have also been raised during the course of the application in relation to anti-social/criminal behaviour. Whilst crime and the fear of crime are material planning considerations, the Planning Statement provided by the applicant states that the occupants of the property:

*“will be carefully selected into how the home and care can successfully facilitate their individual needs and risks. The behaviour of the children we accept into our homes is like any child of the ages of 11-17 and the challenges they can present...all risks and needs are to be managed by our trained staffing teams if, anything were to happen”.*

Therefore it is considered that the proposal is not likely to result in any additional anti-social/criminal behaviour than what could be generated by the existing residential dwelling. Furthermore, the children's care home is proposed to have 24 hr care with the children not being left unsupervised for any period of time, unlike a family home where children of this age group may be left at home unaccompanied some of the time. In coming to a recommendation of approval, it is noted that the Council's Environmental Health department have raised no objections to the application. The proposal is not considered to result in significant impacts upon surrounding residential amenity that would warrant refusal of planning permission and on this basis the application is considered to be in accordance with the general policy aims of Local Plan Policy D3.

#### Parking provision

- 4.3.11 As a result of the proposed development, the number of bedrooms (3 - 4) would not increase at the property. The proposed use would see two bedrooms for the children and one bedroom for staff. The Parking SPD states that Use Class C2 – Residential institutions Institutions/homes with care staff on premises at all times (excluding nursing homes, hospitals, residential schools, colleges or training centres) 1 space per 5 residents' bed spaces plus 1 space per 2 staff (non resident).
- 4.3.12 No specific parking standards for children's care homes are detailed within the Parking SPD. Based on the above. It is considered that given the existing dwelling is required to have a minimum of 3 off-street car parking spaces and the small number of people residing at the property are unlikely to have the use of a vehicle given the age of the residents (11-17), the proposal is not considered to result in an unacceptable impact on highway safety or the wider highway network. A condition would be imposed on any planning permission granted to ensure that three off-street car parking spaces are provided in perpetuity. On balance, the proposal is therefore considered to be acceptable in relation to Policies D1 and T2 adopted Local Plan as well as the Parking SPD..

#### **4.4 Conclusion**

- 4.4.1 The principle of development is acceptable. No external alterations are proposed as a result of the development. On balance, the proposed change of use is not considered to result in significantly detrimental impacts on neighbouring amenity. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan and the advice in the NPPF. It is therefore recommended that the application be granted subject to conditions as recommended below.

#### **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

**None – no physical changes are proposed as part of the application other than what has been conditioned**

#### 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:

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. The premises shall be used for a residential children's' care home for a maximum of two (2) children aged between 11-17 years of age and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To restrict the use and Number of occupiers to safeguard the local amenities of neighbouring properties

4. The window(s) at ground floor and first floor level on the side elevation of the development hereby permitted shall be permanently glazed with obscure glass.

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

5. Prior to the occupation of the childrens care home hereby permitted, three off-street car parking spaces shall be provided for staff members and shall thereafter be kept available solely for the parking of motor vehicles.

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

6. Details of the fence to be erected between the host property and the neighbouring property of No.91 shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

















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

#### **Proactive Statement**

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

# NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/00590/FP 93 Ninesprings Way, Hitchin, Hertfordshire, SG4 9NU

-  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  
Prcaarea.shp
-  District Local Plan Boundary  
Prdlp2.shp
-  Green Belt  
Prgrnblt.shp
-  Health & Safety Consultation Zone  
Prjnzzone.shp
-  Landscape Conservation  
Prlandca.shp
-  Ward Boundary  
Prwarded.shp
-  Noise Nuisance Indicators  
Prnnis.shp
-  Indicative Flood Plain  
Prifpm.shp



Scale 1:625  
Date: 20/06/2023

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<u>Location:</u>	<b>Land Between Durham Way And York Way, Royston Herts SG8 5GX</b>
<u>Applicant:</u>	<b>Kiafield Properties Ltd</b>
<u>Proposal:</u>	<b>Erection of one Class E (g (ii) and (iii)), B2 and B8 unit with associated service yard, car parking, landscaping and ancillary works</b>
<u>Ref.No:</u>	<b>23/00750/FP</b>
<u>Officer:</u>	<b>Melissa Tyler</b>

## **Reason for Delay**

**None – Extension of time agreed 21 July 2023**

## **Reason for Referral to Committee**

Size of development – over 1000m<sup>2</sup>

## **Policies**

### **National Planning Policy Framework**

Section 6: Building a strong, competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting Sustainable Transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change.

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

### **Supplementary Planning Document.**

Vehicle Parking Provision at New Developments

Design

Planning Obligations

### **North Hertfordshire District Local Plan 2011-2031 Local Plan and Proposals Map**

### **Section 2 – Strategic Policies**

SP1: Sustainable development in North Hertfordshire

SP3: Employment  
SP6: Sustainable Transport  
SP7: Infrastructure requirements and developer contributions  
SP9: Design and sustainability  
SP11: Natural resources and sustainability  
SP12: Green Infrastructure biodiversity landscape  
SP13: Historic Environment

### **Section 3 – Development Management Policies**

ETC1: Appropriate Uses in Employment Areas  
T1: Transport Matters  
T2: Parking  
D1: Sustainable Design  
D4: Air Quality  
NE1: Landscape  
NE7: Reducing Flood Risk  
NE8: Sustainable Drainage Systems  
NE11: Contaminated Land  
NE12: Renewable and low carbon energy development  
HE1: Designated Heritage Assets  
HE4: Archaeology

## **2.0 Site History**

2.1 None

2.2 **Nearby sites:** There have been various applications adjacent and in the surrounding areas of Royston Gateway for new industrial buildings within class E, B1, B2, B8 and two foodstores and a drive through.

## **3.0 Representations**

### **Statutory Consultees**

#### **3.1 Royston Town Council –**

*Members of Royston Town Council raised NO OBJECTION to this application*

#### **3.2 North Herts Environmental Health – Noise**

*No objections to the proposed development due to its location adjoining an existing retail park and an existing industrial area, i.e. no residential properties in the vicinity that may be affected by noise etc.*

#### **3.3 North Herts Environmental Health – Contamination – Conditions**

*I have no objection to this application, with respect to contamination on land. However, given the previous uses of the site, and its location close to industrial land uses, there is the potential for ground contamination to exist at the site, and so the following condition should be included*

**3.4 North Herts Environmental Health – Air Quality – Conditions and informative recommended**

*Application of the guidance to a development of this scale, Erection of one Class E (g (ii) and (iii)), B2 and B8 unit with associated service yard, car parking, landscaping and ancillary works, and location defines the site as being a MINOR scale development and so the following condition is recommended to ensure that appropriate local air quality mitigation is provided.*

**3.5 Hertfordshire Highways - Conditions**

*Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions*

**3.6 LLFA – Condition**

*We have reviewed the application as submitted and as this is a minor application, the LLFA would like to provide the advice below.*

*The LLFA will respond if there is a local source of flood risk identified. An FRA for minor developments is required if they are located within or in close proximity to a surface water flow path or are considered to be in Flood Zone 2 or 31 for fluvial flooding. The LLFA will also respond where there is evidence of historic flooding set out in the SFRA, and/or a Surface Water Management Plan and/or located within an LLFA defined 'hotspot'2.*

*The LLFA have identified the site is adjacent to a surface water flow path, therefore appropriate flood resistance and resilience measures should be considered within the development. A minimum of 150mm freeboard between the finished floor level and external ground levels is recommended. Water resilient design could also be used in the buildings e.g. raised electrical sockets and air bricks. All ground levels should be sloping away from vulnerable areas such as doorways or essential infrastructure such as pumping or electrical sub stations. If any parts of the development cannot be accessed during a flood event e.g. the road adjacent to the site, the applicant should consider creating an emergency plan to ensure safe access and egress routes.*

**3.7 Anglian Water – Informatives requested**

**3.8 Hertfordshire Historic Environment Team – Archaeology – No response received in time of writing this report. Will update at committee**

**3.9 Hertfordshire Ecology No response received in time of writing this report. Will update at committee**

**3.10 Waste – No comments received**

**3.11 Neighbour Representations**

No representations received from local residents

## **4.0 Planning Considerations**

### **4.1 Site and Surroundings**

- 4.1.1 The site boundary is demarcated on three sides by the new road network and York Way is to the east of the site. The site is generally flat with a slight slope down from south to north. No trees or vegetation are existing on the site. The site comprises of unoccupied land currently.
- 4.1.2 The site is allocated as RY9 in the Local Plan within the Royston Gateway estate. This will be made up of a mix of retail, commercial, research and light industrial uses. There are currently 7 completed buildings including M&S Food store, Aldi and Costa.

### **4.2 Proposal**

- 4.2.1 This application seeks full permission for a 1,840 sqm (GIA) unit which would be within Class E (g (ii) the research and development of products or processes and (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.) B2 and B8 unit with associated service yard, car parking, landscaping and ancillary works. The land has been used as the site compound for the previous phases of development and as such has an existing access in place. The vehicular access will be via Darlington Road from an access point opposite Costa Coffee. There are footpaths currently in place along Darlington Road, Durham Way frontage and to the south along York Way.
- 4.2.2 The proposal is the erection of 1 warehouse unit, with associated car parking and service access. The building would be approximately 47m x 35m x 9m to eaves and 11m to ridge with a footprint of 1840m<sup>2</sup> (includes a mezzanine floor);
- 4.2.3 The proposed building is located in the south of the site closest to the other units on Durham Way. It would have shallow pitched roof with windows in the west elevation facing Durham Way and vehicle roller shutter doors and entrance doors in the north elevation and personnel doors east elevations. The large, glazed window is located in the south west corner on the roundabout of York Way and Durham Road.
- 4.2.4 The proposal Warehouse is to have cladding - deep profile half-round horizontal metal cladding Ral7016 - Anthracite Top Feature Band - Horizontal metal cladding panels - silver Office cladding - Smooth flat metal cladding panels - deep blue RAL5003. The Roof and rooflights - metal composite cladding light grey - RAL 7038 BS 10A03 Goosewing grey and inline strip rooflights and the window feature column and unloading bay door reveals - colour yellow
- 4.2.5 The following supporting documents were submitted as part of the application:
- Plans
  - Planning Statement
  - Design and Access Statement
  - Flood Risk Assessment and Drainage Statement and Drainage Strategy
  - Transport Assessment
  - Soft Landscaping Plan

- Soft Landscape Management and Maintenance Plan
- Geo-environmental Preliminary Risk Assessment

### **4.3 Key Issues**

4.3.1 The key issues will be considered under the following headings:

- Principle of development
- Consideration of RY9 criteria in the Local Plan
- Layout, design and visual impact on the locality
- Landscaping
- Impact on neighbouring properties
- Highways, transport, parking and servicing
- Environmental Protection matters
- Health and Safety Executive
- Flooding/drainage
- Ecology
- Archaeology
- Planning obligations
- Sustainable development
- Planning balance

#### **Principle of development**

- 4.3.2 The proposed site is situated south of the A505 and Durham Way and to the north west of the Orchard Way industrial area and industrial units on Greenfield. The development proposed is providing a new business unit in Royston. Starting with the NPPF, paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development. The proposed settlement boundary for Royston has been drawn along the A505 and the site in question is proposed to be allocated in Policy RY9 as an employment site. As such, the proposal would be acceptable in the Local Plan policy framework.
- 4.3.3 The site is within allocated site RY9 in the LP, which is designated for employment purposes and therefore development. The 2013 Employment Land Review also identifies the site as a suitable location for future employment development building on the success and profile of the existing, successful Orchard Road / York Way area.
- 4.3.4 Other material considerations are previous planning permissions granted on land near the application site, which have together approved development of part of RY9 and some of which have been implemented
- 4.3.5 The previously undeveloped area of land RY9 is now transitioning towards being fully developed for employment purposes with internal access roads and roundabouts having been completed, and land re-grading and new food stores having been completed. Given the weight to be attached to the LP, previous planning permissions and as the proposal would provide employment use within RY9, the proposed development of the site is considered acceptable in principle.

### Consideration of RY9 criteria in the Local Plan

- 4.3.6 The site is within the RY9 employment allocation in the Emerging Local Plan and there are five site specific criteria:
- ***“Site is within Health and Safety Executive (HSE) Consultation Zone;***
  - ***Site should deliver a new access to the Orchard Road employment area from the A505;***
  - ***Address existing surface water flood risk issues, including any run-off, through SuDS or other appropriate solution;***
  - ***Sensitive design / layout considering views to and from the Scheduled Ancient Monuments located on Therfield Heath;***
  - ***Compensatory or offsetting measures for loss of existing grassland habitat.”***
- 4.3.7 With regards to the second point the application for the food store buildings (17/01024/1) covered the cost of the new access road off the A505. The Highways Authority were consulted on this application and have not advised that any upgrades are required to this access as a result of the proposed development of this site.
- 4.3.8 The other criteria have all been addressed as discussed below by the responses received from the Health and Safety Executive, Lead Local Flood Authority Environment Agency and Hertfordshire Ecology.

### Layout and design and visual impact on the locality

- 4.3.9 The proposal would result in the whole site being developed with a building and hardstanding, which would contrast with its previously undeveloped state and character. The proposal would completely change the character of the site. However, this is acceptable given the site is included within RY9 which is designated for new employment development. RY9 does not set detailed criteria concerning site coverage, density, height, design etc. Almost the whole site would be developed, however this would be comparable to other individual sites within the adjacent existing employment area and would also maximise the potential of the site for new employment and is considered acceptable. There are no objections to the layout of the site
- 4.3.10 The proposed building would be of a size, design, appearance and external materials similar to other industrial units on the Royston Gateway site. It would be of a size and a modern contemporary appearance which is considered appropriate to the development of the wider site for employment/industrial purposes, and in the context of existing nearby development in the industrial/employment area.
- 4.3.11 The proposed building would not appear dominant within the site as it is located in the part of the site nearer to recently completed units of a similar height and appearance on the other side of York Way. The height of the proposed building is slightly smaller than these neighbouring units (granted under 20/01017/FP), which is not considered excessive given its location and context of nearby industrial units. In my view the proposed unit would sit comfortably in the context of the other recently built units on the Gateway development area and would sit comfortably in front of the industrial units on York Way/Orchard Road behind the site. The external materials proposed are considered acceptable and would appear to match those units adjacent the site (built under application 20/1017/FP – and material details were approved under condition 21/00586/DOC). In order to make sure

these external finishes are in keeping with the neighbouring units I have recommended a condition to submit samples or details of the materials to be used.

- 4.3.12 The proposed use would result in the development of the presently undeveloped site with consequent increases in activity, traffic etc. This is not considered harmful to the locality given the location of the site in close proximity to a busy industrial/employment area and the context of the site nearby to larger food retail stores and the A505 dual carriageway. In my view the proposed development would read against the existing industrial buildings and would be acceptable in its context, therefore this would not be a sustainable reason to withhold planning permission.

### **Landscaping**

- 4.3.13 A Soft Landscape Proposals Plan, External Finishes Plan and Landscape Management Plan have been prepared for this site by Ground Control and Farrell & Clark Architects. The agent has stated that

***“In terms of the soft landscaping, a number of plants and trees have been proposed that are considered suitable for this location. There are no existing natural site features and the proposals will introduce a planting scheme that complements the approved schemes in the adjacent plots that are completed or nearing completion***

***Overall, the proposed soft landscaping seeks to provide a variety of habitats for ecological benefit. A Maintenance and Management Plan accompanies the Soft Landscape Plan which aims to ensure the maintenance and management of the soft landscape areas. It will also ensure the visual amenity is preserved and enhanced. In terms of the hard landscaping scheme, different surfaces have been used to demark areas with asphalt / tarmac used for footpaths and internal roads and permeable conc block paving used for car parking areas. A brushed concrete slab will form the loading area. This will be fenced with steel security mesh fencing to ensure the safety and security of the loading areas. A timber knee rail around the site perimeter of Durham Way will continue the consented character of the adjacent plots. The same type of security fencing is proposed to the yards for consistency.***

- 4.3.14 The landscaping layout is considered acceptable for a development of this type in this location.

### **Impact on neighbouring properties**

- 4.3.15 The application site is nearby to other industrial/employment area and is not close to any dwellings. Therefore, the proposed development of the site and the characteristics of its use will not result in any loss of amenity to nearby properties.

### **Highways, transport, parking and servicing**

- 4.3.16 The Highways Authority have raised no objections to the application and have recommended the conditions set out below.
- 4.3.17 The proposed scheme has a total of 41 car parking spaces inclusive of 2 disabled spaces and 12 cycles spaces. This is considered acceptable and in accordance with the Parking

SPD and Appendix 4 of the Local Plan. A condition requiring the vehicle and cycle parking to be provided and maintained has been recommended.

#### **Environmental Protection matters**

- 4.3.18 The Environmental Protection Officer (Air Quality) was consulted on the application. He has confirmed that the guidance to a development of this scale, Erection of one Class E (g (ii) and (iii)), B2 and B8 unit with associated service yard, car parking, landscaping and ancillary works, and location defines the site as being a MINOR scale development and as such he recommended a condition that the development shall include provision for 10% of the car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV ready charging points.
- 4.3.19 The Environmental Health Officer (Noise and other nuisances) was consulted on the application and confirmed that due to the location of the proposed development and the absence of any nearby residential dwellings they have no objections to the application.
- 4.3.20 The Environmental Protection Officer (Contaminated Land) was consulted on the above application and confirmed that they have no objection to this application, with respect to contamination on land. They made the following comments.

***“I have no objection to this application, with respect to contamination on land. However, given the previous uses of the site, and its location close to industrial land uses, there is the potential for ground contamination to exist at the site, and so the following condition should be included”***

- 4.3.21 As such the Land Contamination conditions below are recommended.

#### **Health and Safety Executive**

- 4.3.22 The application site falls within the HSE Consultation Zone due to the proximity of the Johnson Matthey business and its historic use of hazardous substances. The HSE Planning Advice Web App was used and received the following advice:

***“HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.”***

#### **Flooding/drainage**

- 4.3.23 The Lead Local Flood Authority were consulted on the application. The LLFA did not objected to the proposal and recommended a condition. As such it is considered that any existing surface water flood risk issues have been satisfactorily addressed.

#### **Ecology**

- 4.3.24 Hertfordshire Ecology were consulted on the application. However, a response was not made in time of writing this report. Given the location and potential ecology impact I have recommended standard ecology conditions similar to those imposed on other applications of similar development. The applicant has accepted these conditions. I will issue an update to Committee.



## **Archaeology**

- 4.3.25 The Historic Environment Advisor, Hertfordshire County Council were consulted on the application. However, a response was not made in time of writing this report. Given the location and potential archaeology impact I have recommended standard Archaeology conditions similar to those imposed on other applications of similar development. The applicant has accepted these conditions. . I will issue an update to Committee.

## **Planning obligations**

- 4.3.26 The proposal is major development by virtue of a floor area of over 1000 m<sup>2</sup>; and is considered eligible for Section 106 legal contributions. Hertfordshire County Council as Highway Authority have not sought any contributions towards sustainable transport. It has been set out above that the Council does not consider a Travel Plan/Statement by S106 necessary, as it can be required by condition. It is not therefore considered that the application requires planning obligations.

## **Sustainable development**

- 4.3.27 The proposal has to be assessed as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole (as set out in paragraph 11 d).
- 4.3.28 The proposal is not considered to result in harm to the character of the locality and is consistent with the LPA objective of developing the wider area RY9 for employment. The proposal would provide employment, benefits to the locality through the provision of additional employment and would potentially allow for this part of the RY9 to be developed relatively quickly resulting in a visual improvement from its present condition. It is considered that the proposal complies with the objectives of RY9 of the Local Plan.
- 4.3.29 In taking into account all material considerations, the proposal would provide benefits and is not considered harmful. Given that no other harms would result, the proposal is considered sustainable development and would not conflict with the NPPF and local policies.

## **Planning balance**

- 4.3.30 As set out above the previously undeveloped area of land RY9 is now transitioning towards being fully developed for employment purposes with internal access roads and roundabouts having been completed, and land re-grading and new food stores having been implemented. Given the weight to be attached to the Local Plan, previous planning permissions and as the proposal would provide employment use within RY9, the proposed development of the site is considered policy compliant and a benefit which attracts moderate weight in the planning balance.
- 4.3.31 It is considered that the proposed development would meet an economic objective by providing space for employment opportunities across a range of uses and could increase economic activity in Royston. The scheme has been designed to encourage sustainable forms of transport. It is acknowledged that the proposal would have a visual impact, but it is considered that this would be within the range of acceptable. It is considered that the

proposal would not have an adverse impact on the natural, built and historic environment. As such it is considered that the proposal would meet the social and environmental objectives as set out in paragraph 8 of the NPPF.

- 4.3.32 On balance, it is considered that the scheme would accord with policies within the Local Plan and therefore should be granted.

#### **4.4 Conclusion**

- 4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission should be granted

#### **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

#### **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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the approved units shall only be used for uses falling under use Class E (g) (former use Class B1), B2 and B8 and shall not be changed to another use, including any others within Use Class E (a) - (f) (including those uses that

fall within revoked Classes A1/2/3, D1(a-b) and D2(e)), without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the breadth of uses encompassed within the E Class of the Use Classes Order (as it also includes uses falling within revoked Classes A1/2/3, D1(a-b) and D2(e)), the Local Planning Authority seeks to retain control over any change of use that would normally be permitted, in the interests of the character and amenities of the area.

4. The materials specification as detailed in the Design and Access Statement as follows:
- Warehouse cladding: Deep profile half-round horizontal metal cladding. Ref. HR50/1000 or equiv. Colour: RAL7016 Anthracite;
  - Top feature band Horizontal metal cladding panels – colour - silver;
  - Office Cladding: Smooth flat metal cladding panels colour - Deep blue RAL5003;
  - Windows feature column and unloading bay doors: colour - yellow;
  - Roof and rooflights – metal composite cladding light grey RAL7038 BS 10A03 Goosewing Grey and inline strip rooflights

shall be implemented on site, unless otherwise agreed in writing by the LPA..

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

5. The details as set out in the submitted supporting documents - Landscape Management Plan in line with the Soft Landscape Proposal Plan and External Finishes Plan shall be implemented and complied with.

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

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

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

7. Before the occupation of any part of the floorspace hereby permitted, the parking and loading/unloading facilities and cycle parking shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for parking in connection with the premises.

Reason: To ensure the provision of satisfactory vehicle and cycle parking and loading/unloading facilities clear of the public highway to meet the needs of the development.

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

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

9. If the Local Planning Authority is of the opinion that the report which discharges condition (8), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
  - (ii) The results from the application of an appropriate risk assessment methodology

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

10. 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 (condition 9), above; has been submitted to and approved by the Local Planning Authority.

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

11. 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 (10) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
  - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

12. Any contamination, other than that reported by virtue of condition (8) and (9), 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.

13. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:
- a. 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 temporary access to the public highway;
  - i. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

14. Prior to the first occupation of the development hereby permitted the vehicular Access improvements, as indicated on drawing number 0702 Rev. P05 in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. The discharge of this condition requires a Section 278 (highway works agreement) or 184 agreement (standard vehicle crossover / dropped kerb) to be entered into.

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).

15. Prior to the first occupation of the development hereby permitted the proposed Access arrangements/onsite car and cycle parking/servicing/loading/unloading/turning/waiting areas shall be implemented in accordance with the approved drawing number 0702 Rev. P05 and retained thereafter available for that specific use.

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

16. Prior to the first occupation of the development hereby permitted, provision shall be made for 5% of the car parking spaces to have active provision for EV charging and a further 5% of the car parking spaces to have passive provision for EV charging.

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

17. 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.

Reason: To safeguard the archaeological record.

18. 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 178.

Reason: To safeguard the archaeological record.

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

Reason: To safeguard the archaeological record.

20. Prior to the commencement of development, a Landscape and Ecological Management Plan should be prepared and submitted to the Local Planning Authority for approval, detailing how it is planned to incorporate biodiversity as part of the development. Thereafter, the works shall be carried out in accordance with the approved Biodiversity and Landscape Plan.

Reason: In order to secure a biodiversity gain.

21. In order to protect breeding birds, their nests, eggs and young, the clearance of vegetation should only be carried out during the period 1 October to 1 March. If this is not possible then a pre-development (i.e. no greater than 48 hours before demolition begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the juvenile birds have left the nest and are fully independent or professional ecological advice taken on how best to proceed.

Reason: In order to protect breeding birds, their nests, eggs and young.

22. Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: For appropriate flood resistance and resilience measures to be considered and implemented within the development.

**Proactive Statement:**

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

**Informative/s:**

1. EV Charging Point Specification:  
A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations. Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)
- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
  - The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
  - If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

- A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>
  - UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov consultation response.
2. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed.  
The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
  3. New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
  4. Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
  5. 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.

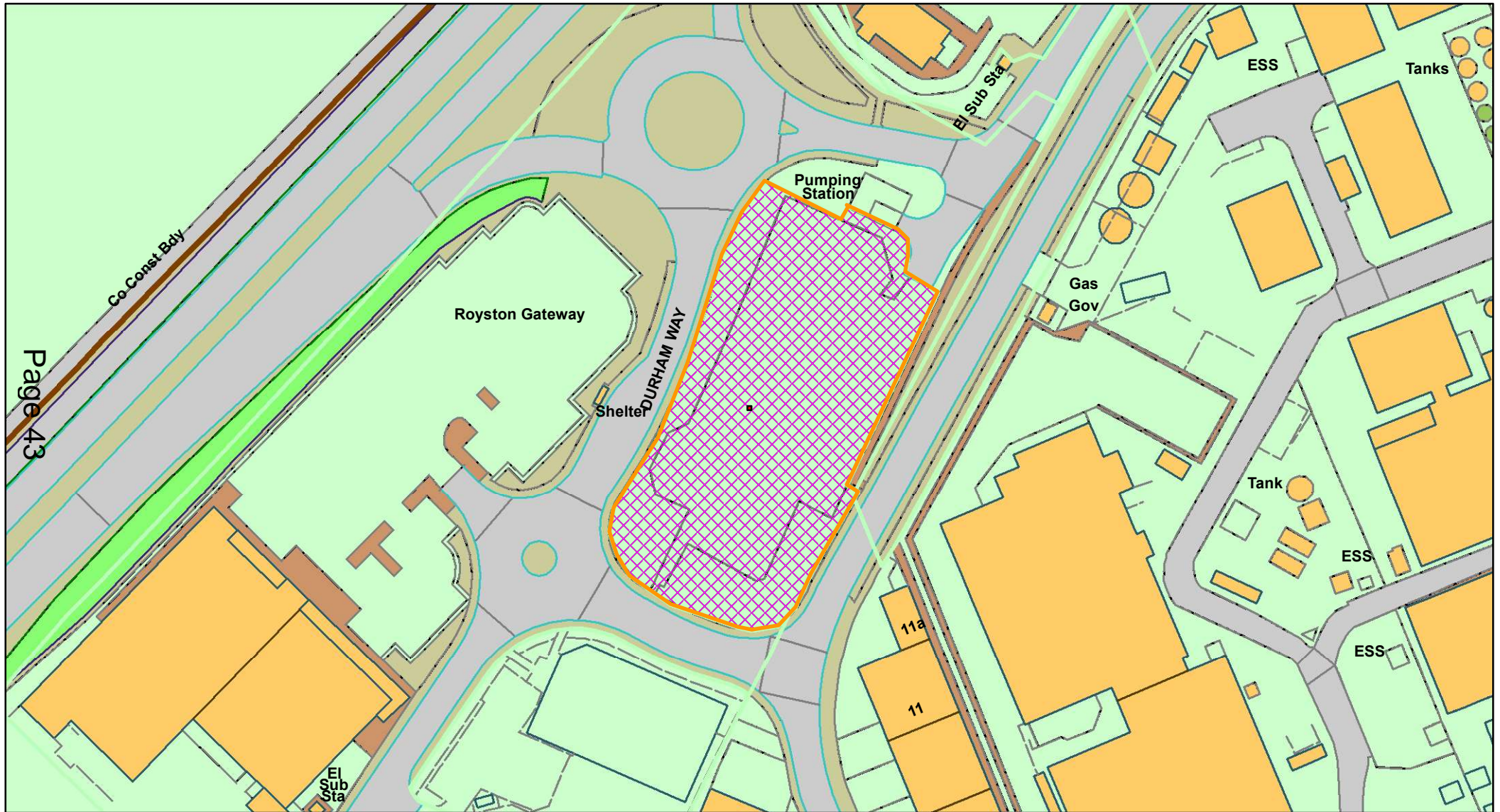


6. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
7. 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.
8. 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.

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# NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/00750/FP Land Between Durham Way And York Way, Royston, SG8 5GX



Page 43

Scale 1:1,250  
Date: 28/06/2023

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<u>Location:</u>	<b>The Foundry, Brookend Lane St. Ippolyts Herts SG4 7NX</b>
<u>Applicant:</u>	<b>Jarvis Homes Ltd</b>
<u>Proposal:</u>	<b>Erection of 7 dwellings (2 x 3-bed and 5 x 4-bed) including associated amenity space, parking, landscaping and creation of vehicular access off Brookend Lane following demolition of existing buildings</b>
<u>Ref.No:</u>	<b>22/00754/FP</b>
<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period:** 14/06/2022

**Submitted Plan Nos:** P/DV0093/010G P/DV0093/02 P/DV0093/03A P/DV0093/04  
P/DV0093/05 P/DV0093/06 P/DV0093/07A P/DV0093/08 21613.001D TPP/TFBLS1H/010A

**Extension of statutory period:** 14/07/23

**Reason for referral to Committee:** Residential development on a site in excess of 0.5 hectares

## 1.0 **Site History**

1.1 The following planning applications area of relevance:

1.2 14/02200/1: Redevelopment and part change of use from B2 (Industrial) to C3 (residential) to provide 2 x 3 bed detached dwellings and 3 x 4 bed detached dwellings together with associated parking following demolition of existing industrial buildings. (As amended by plan nos. HIF/13/02G, 03B, 07A & 08A and amplified by drawing no. HIF/13/09 ). Granted permission 02/03/2016

1.3 18/01980/S73: Section 73 application: Variation of Condition 12 planning permission reference 14/02200/1 to substitute the words '30 metres' with '10 metres' (redevelopment and part change of use from B2 (Industrial) to C3 (residential) to provide 2 x 3 bed detached dwellings and 3 x 4 bed detached dwellings together with associated parking following demolition of existing industrial buildings (as amended)) granted 02 March 2016. Granted 12/10/2018

## 2.0 **Relevant Planning Policies**

### 2.1 **North Herts Local Plan 2011 - 2031**

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 SP8: Housing  
Policy SP9: Design and Sustainability  
Policy SP12: Green Infrastructure, landscape and biodiversity  
Policy SP13: Historic Environment  
Policy T1: Assessment of Transport matters  
Policy T2: Parking  
Policy HS3: Housing mix  
Policy D1: Sustainable Design  
Policy D3: Protecting living conditions  
Policy D4: Air Quality  
Policy NE2: Landscape  
Policy NE4: Biodiversity and geological sites  
Policy NE7: Reducing flood risk  
Policy NE11: Contaminated land  
Policy HE1: Designated heritage assets  
Policy HE4: Archaeology  
Policy IMR1: Five Year Housing Land Supply  
Policy IMR2: Local plan early review

### 2.2 **National Planning Policy Framework**

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  
Section 12: Achieving well-designed places  
Section 13: Protecting Green Belt land  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment  
Section 16: Conserving and enhancing the historic environment

### 2.3 **Supplementary Planning Documents**

Vehicle Parking Standards at new development Design Supplementary Planning Document

St. Ippolyts Character Area statement 2019

St. Ippolyts Parish Neighbourhood Planning Area was designated in 2018.  
Currently the Parish does not have a Made Neighbourhood Plan

3.0 **Representations**

3.1 St. Ippolyts Parish Council:

Supports the proposal. Considers it as a well designed and attractive new housing development and an improvement on the earlier approved scheme. The Parish seeks S106 contributions specifically towards St. Ippolyts Primary school and the replacement football pavilion project.

3.2 Environment Agency

Has raised objections initially. Following negotiations and the submission of revised plans the further comments of the EA are awaited.

3.3 Lead Local Flood Authority

Unable to respond and have no comments.

3.4 Local Highway Authority

Raise no objection. Request highway conditions and an informative

3.5 NHDC Conservation officer

Raises an objection on the basis that the proposal will fail to satisfy the provisions of Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

3.6 NHDC Waste Manager

Offers general advice with regard to waste storage and collection arrangements including access.

3.7 Hertfordshire County Council Historic Environment Advisor:

Requests an Archaeological Written Scheme of Investigation condition.

3.8 NHDC Environmental Heath team:

Air Quality officer – Requests an Electric Vehicle Recharging Infrastructure condition and informative

Noise and Other nuisances officer – Raises no objections and recommends conditions and an informative

Contamination officer - Requests a land contamination condition.

3.9 Hertfordshire County Council Growth & Infrastructure team

Advises that they do not wish to request contributions. HCC have recently changed their policy so as to only request planning obligations where 10 or more homes are provided or the site has an area of 0.5 hectares or more and the number of dwellings is unknown.

### 3.10 Site Notice, Press advertisement and Adjoining residents

Comments have been received from two local residents. Full comments can be seen on the web site. The comments can be summarised as follows:

- Support the proposal
- Request S106 contributions towards the primary school and St. Ippolyts Parish Football Pavilion
- Concerns at cars being parked outside of the site obstructing farm entrance
- Request additional parking on site

## 4.0 Planning Considerations

### 4.1 **Site and Surroundings**

4.1.1 The application site comprises what remains of a group of Class B2 general industrial buildings located on the south side of Brookend Lane, St. Ippolyts. The majority of the former foundry buildings have been demolished with the exception of two single storey buildings at the front of the site facing Brookend Lane. The site is located to the south west of BrookEnd Farm and south west of the Parish Church of St. Ippolyts. The site area is approximately 0.55 hectares. The site is located within the Green Belt. The site is adjacent to part of the St. Ippolyts Conservation area boundary located to the north east edge of the site. Adjacent to the north west boundary of the site is Foundry House, a grade II listed dwelling.

4.1.2 The former buildings on the site included a range of brick built and steel framed construction buildings totalling some 1721.6 sqm. The remaining buildings at the front of the site consist of a single storey range formerly used as offices and showroom as part of the previous Henry Issacs fireplace business. The site contained a large area of concrete hardsurfacing.

4.1.3 The St. Ippolyts brook runs in a north - south direction immediately adjacent to the eastern edge of the site. To the east of the brook is agricultural grazing land. The land to the south and west of the application site is grazing land. The majority of the site (with the exception of the western edge) falls within the functional flood plain and Flood Zones 2 and 3 as identified on the Environment Agency's flood map.

### 4.2 **Proposal**

4.2.1 This detailed application seeks permission for the redevelopment of the site removing all remaining existing buildings and the erection of 7 dwellings with associated amenity space, parking and landscaping with new vehicular access from Brookend Lane. The proposal would have a total footprint of 1,116sqm and an overall floorspace of approximately 1,532sqm. The proposals would represent a reduction of floorspace on the original industrial buildings of approximately 11%.

4.2.2 The proposal would comprise two semi-detached 3 bedroom chalet bungalows and five detached 4 bedroom chalet bungalows. The development would be accessed from Brookend Lane with three dwellings along the site frontage with the pair of chalets (Units 2 & 3 ) to the east of the proposed access and one detached chalet dwelling to



the west. The internal access road would follow a south westerly alignment through the site with the remaining four detached chalets (Units 4, 5, 6 & 7) facing onto the carriageway.

- 4.2.3 All of the dwellings would have a single storey eaves line with steeply pitched main roofs. The main external materials would be facing brick, tiles and cladding – details to be agreed. Garages are provided for all of the dwellings with at least two car parking spaces each plus two visitor parking spaces provided off the access road.
- 4.2.4 The application includes a full landscaping plan indicating all hard and soft landscaped areas including new native species hedging and trees to be planted along the eastern and southern boundaries and part of the western boundary.
- 4.2.5 Negotiations have been taking place with the Environment Agency to address outstanding concerns with regard to flood risk. Amended plans and other supporting information has been requested and expected to be available prior to the determination of this application.

#### 4.3 **Key Issues**

##### The principle of development

- 4.3.1 The principle of a residential development on the site has been established by the previous granting of planning permission for a development of 5 dwellings under ref: 14/02200/1 (and as subsequently amended by 18/01980/S73) . This consent has been partially implemented by the provision of a bellmouth access and hardstanding at the front of the site and the permission is therefore extant and may be completed if necessary.
- 4.3.2 The main issue in respect of the current application, is whether the proposal, in respect to land use and amount of development, would be suitable in this location having regard to local and national planning policies.
- 4.3.3 The site is located within the Green Belt but is considered previously developed land. Annex 2 of the NPPF describes previously developed land as:

*‘Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.’*

The current and former buildings and hardstanding on the site meet the definition of previously developed land.

- 4.3.4 Paragraph 149 of the NPPF states that a local authority should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this include:

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

The proposed development would result in a reduction in overall footprint of buildings on the site with a similar if not reduced height to the former buildings and structures on the site. The proposed development is considered therefore to not have a greater impact on the openness of the Green Belt than the existing development and is therefore deemed not to be 'inappropriate development' and no very special circumstances are required to be demonstrated.

- 4.3.5 Paragraph 148 of the NPPF says that very special circumstances will not exist '*unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*'. It is considered that the proposal will result in a visual and spatial improvement to the Green Belt and these aspects of the development are discussed in the paragraph relating to character and appearance.
- 4.3.6 Finally, in terms of the policy requirements, the development should not conflict with the five purposes of the Green Belt as set out in paragraph 138 of the NPPF. In this regard the proposals would not result in the unrestricted sprawl of large built up areas or result in neighbouring towns merging into one another. Given the reduction in footprint and the containment of the development within the confines of the existing site the development would assist in safeguarding the countryside from encroachment. The proposal would not affect the setting and special character of a historic town and the recycling of derelict and other urban land is not relevant. It is considered that the proposals would not therefore undermine the five purposes of Green Belt policy.
- 4.3.7 In summary on the principle of development it is considered that the proposals would not be inappropriate development in the Green Belt, would not be in conflict with the five purposes of the Green Belt or result in any other harm to the openness of the Green Belt.

#### 4.4 Impact of the development on the character and appearance of the area

- 4.4.1 Paragraph 130 of the National Planning Policy Framework seeks to ensure that developments :

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate*

*amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

- 4.4.2 Policy D1 of the Local Plan ('Sustainable Design') provides more detailed advice on the criteria for acceptable development advising that development should '*respond positively to the site's local context*' and enhances its surroundings.
- 4.4.3 The site is within a distinctly rural setting between the settlements of Gosmore to the west and St. Ippolyts village to the east. There is some limited linear development along Brookend Lane including the application site in the form of the single storey industrial / commercial buildings. The proposal maintains the frontage development and access point with the siting of plots 1, 2 & 3 facing Brookend Lane separated by the new vehicular access and the four houses to the rear are located more or less on the footprint of the former industrial buildings. The development does not encroach into the open countryside beyond the former industrial yard.
- 4.4.4 Plots 1, 2 & 3 are chalet dwellings with traditional features such as gabled and hipped roofs with rafter feet and timber cladding not dissimilar to Long Barn located just to the north west alongside Brookend Farmhouse. The overall length of the frontage development is similar to the former and remaining buildings along the frontage and maintains the linear form of development along the lane. Plots 1, 2 & 3 also address the lane with their main front elevations facing the road similar to existing dwellings.
- 4.4.5 Plots 4, 5, 6 & 7 are of a similar design as Plots 1, 2 & 3 and all face onto the access road in a small cul-de-sac arrangement. These plots are set in from the site boundaries to allow for a landscaped buffer around the site. The overall density is approximately 14 dwellings per hectare which reflects the low density of housing in the area and there are significant gaps between the dwellings to allow for through views across the site. All of the dwellings are generally modest in footprint and floor area and the overall scale, form and appearance of the dwellings is appropriate to this rural setting.
- 4.4.6 The access road together with the parking and garages off it are well screened within the centre of the development and units 1, 2 & 3 provide an appropriate setting and framed entrance for this small scale development. There is very little hardsurfacing across the front of the site with only footpaths serving the frontage dwellings all of which have small gardens set behind a hedge across the majority of the site facing Brookend Lane.
- 4.4.7 Taking into account all of the above features of the development and having regard to the poor visual impact of the existing site and former built development I consider that the design and layout of the development represents an enhancement to the locality, improving the character of the area by removing a non-conforming use in this green belt/rural location. The development would be consistent with the guidelines in the NPPF requiring high quality and inclusive design and consistent with Policies SP9 and D1 of the Local Plan which require new development to be well designed and located and to respond to its local context.

4.4.8 None of the site is within the St. Ippolyts Conservation Area although the north eastern boundary of the site shares a 40m boundary with the western edge of the CA. Foundry House and further west Foundry Cottage are the nearest potentially affected listed buildings and then Brook End Farmhouse further to the east and beyond that Long Barn and The Parish Church. Policy HE1 of the Local Plan and paragraph 195 of the NPPF requires Local Authorities to take account of development affecting the setting of a heritage asset.

4.4.9 As required by the NPPF the applicant has submitted a Heritage statement. It concludes :

*'The proposed redevelopment of the site, with purpose designed dwellings which will reflect the local vernacular, set in a carefully landscaped environment will serve to enhance the rural setting of the Conservation Area. As such this will make a positive contribution to the significance of the Conservation Area'*

*'The application proposals will not result in the loss of any listed buildings, nor will they have any detrimental impact on their settings. The proposal will restore a more sympathetic setting to Foundry House and Foundry Cottage. It will enhance the setting of the Conservation Area.'*

4.4.10 Whilst it is acknowledged that the Conservation officer has concerns over the design and uniformity of the development I do not consider that the development will have a harmful effect on the character of the site and nearby heritage assets. The previous use of the site had a strongly negative impact on the immediate setting of Foundry House and Foundry Cottage and the character of the CA generally. The proposed development will better reveal the significance of Foundry House and Foundry Cottage by removing the existing frontage buildings and setting back plots 1, 2 & 3. The remaining development at the rear will be some distance from the listed buildings and heavily screened by existing landscaping.

4.4.11 In terms of design I consider a barn-like approach together with hipped and gabled roof forms with conservation style rooflights, timber cladding and brick plinths would be in keeping in this rural setting and not dissimilar to the form and materials used nearby for example at the nearby Grade II listed Long Barn adjacent to Brook End Farm. The proposed development is not entirely uniform in that Plots 2 & 3 form a pair of hipped dwellings with the Plots 4, 5, 6 & 7 with gable roofs with front projecting gables and there are 3 different garage designs. All of the external materials, as well as hardsurfacing, can be controlled by condition to ensure the highest standard of finish appropriate to the context of the site.

4.4.12 The Church of St. Ippolyts is over 150 m to the east on significantly higher ground. Whilst this building is of substantial significance given its Grade I status and commanding position, the proposed development would have no significant impact on the historic character or setting of the church given its elevated position in relation to the development site as well as the separation provided by the intervening open agricultural land / paddock west of the church which contributes to the setting of the listed building.

4.4.13 Having regard to the above factors I consider that the proposed development would sustain and enhance nearby heritage assets and would make a positive contribution to local character and distinctiveness consistent with Paragraph 197 of the Framework.

#### Living conditions

- 4.4.15 In terms of existing residents, whilst the proposed development would be visible it is not envisaged that there would be any direct impact on local residents. Matters of construction noise etc can be dealt with via a Construction management condition.
- 4.4.16 Each of the dwellings would meet the minimum space standards required by the Government document 'Technical housing standards – nationally described space standard' (2015) and garden sizes for each of the dwellings would be proportionate to the size of each dwelling.

#### Access and parking

- 4.4.17 Vehicular and pedestrian access to the development site would be via a new access road capable of accommodating service vehicles. The Highway Authority have raised no objection to the access arrangements in principle. The submitted Transport Technical Note states that the likely trip generation would only amount to 4 vehicle movements in the AM and 4 in the PM peak hours and as such traffic flows would not be expected to have a severe impact on the local road network.
- 4.4.18 Brookend Lane is used as a school pick up and drop off area and significant levels of on-street parking can occur in the morning and afternoon school opening and closing times. The development is not expected to add to this on-street parking given the very short walking distance to the school from the site and vehicles can exit and enter the site without being unduly affected by this on-street parking due to the bellmouth design of the access point.
- 4.4.19 Each dwelling would access to a garage and parking spaces and two visitor parking spaces are proposed as required by the Council's Car Parking Standards document (Appendix 4 of the Local Plan).
- 4.4.20 The Technical Note demonstrates through tracking diagrams that fire tender and large refuse vehicles can enter, turn around within and exit the site in forward gear.
- 4.4.21 The site is close to bus service stops on London Road at the junction with Waterdell Lane and there are footpaths in Brookend Lane and London Road to encourage walking to local facilities.

#### Environmental matters

- 4.4.22 Flood risk is perhaps the key environmental concern with this planning application notwithstanding the extant planning permission and the fact that the site is previously developed and the proposals will result in less footprint across the site. There are some differences between the approved layout and that now proposed particularly in terms of the position of the access road and the siting of 2 of the dwellings closer to the St. Ippolyts brook. It is therefore necessary to consider flood risk afresh and in the light of updated flood risk advice including that set out in the National Planning Policy Framework (2021).
- 4.4.23 The flood risk issues associated with this application have been the subject of significant discussions and negotiations with the Environment Agency which have culminated in the Environment Agency requesting amended plans and information and indicating their intention to offer conditions. During these discussions the Agency has noted that although the site is currently zoned as being within Flood Zone 3b (functional floodplain) they accept that because the site is previously developed land it should be treated as

### Flood Zone 3a.

- 4.4.24 Amended plans were received on 27<sup>th</sup> June and the Environment Agency re-consulted. It is anticipated that this additional information will result in the withdrawal of the current objection from the Environment Agency. Several conditions are recommended to mitigate against flood risk including a flood compensation scheme.
- 4.4.25 The application is supported by a Preliminary Ecological Appraisal. The ecology report recommends mitigation measures in respect of nesting birds, bats, reptiles, badgers, barn owl, and hedgehogs. If planning permission were to be granted then it is recommended that permission is conditioned so that the development is carried out in accordance with the recommendations and mitigation measures set out in the submitted Ecology report in respect of the remaining buildings and habitat on the site.
- 4.4.26 The application is also supported by a Biodiversity Net Gain Feasibility report that states that there would be a biodiversity net gain of 0.12 Biodiversity Units (12.94% ) for area based habitats and a gain of 1.35 units (100%) of hedgerow units due primarily to significant areas of developed land including hardstanding and onsite structures being replaced by grassland/vegetated garden habitats and a detailed landscaping scheme that includes a number of new trees and hedgerow. The net gains in biodiversity meet the current requirements of the NPPF and Policy NE4 of the Local Plan.
- 4.4.27 Matters relating to noise, land contamination and air quality can all be dealt with by planning conditions and/or informatives.
- 4.4.28 The application is not supported by an Energy assessment which may assess what carbon reducing or zero carbon measures could be incorporated into the scheme which could future proof the development against the challenge of climate change. Electric vehicle re-charging points in each dwelling would assist in this regard and Air Source Heat Pumps are specified for each dwelling on the layout plan however further details of the energy measures to be used in the development could be sought through condition and a suitable planning condition is recommended.

### Archaeology

- 4.4.29 The Historic Environment Advisor at the County Council has advised that the area has potential for archaeological remains to be present and has recommended standard Archaeological Written Scheme of Investigation conditions. Such conditions were not attached to the previous two planning permissions. The matter is under discussion with the Historic Environment officer and an update as to whether archaeological conditions will be required will be provided at the meeting.

### Planning Obligations

- 4.4.30 Planning obligations should only be sought for residential developments that are major development, which is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more and the number of dwellings is unknown. In this case although the site area exceed 0.5 ha the number of dwellings is specified as 7 units. The site also falls below the 11 unit threshold for requiring affordable housing as set out in Policy HS2 of the Local Plan. In these circumstances the Local Planning Authority will not seek a formal

Legal Agreement in respect of affordable housing or Hertfordshire County Council services.

- 4.4.31 Notwithstanding the above, the applicants have advised that they wish to make a contribution towards the St. Ippolyts Primary school and the replacement changing rooms at the Waterdell Lane Recreation Ground and offered these contributions by way of a Deed between the applicant and school (re Primary school contribution) and a Unilateral Undertaking (for changing room contribution and NHDC waste services). The weight that can be applied to this matter is set out in the planning balance below.

#### Planning Balance

- 4.4.32 The proposed development will remove what remains of a non-conforming industrial use that is conspicuous in the landscape. The replacement scheme by reason of its low height and scale and acceptable design and materials together with new landscaping once established, will enhance the natural and intrinsic beauty of the countryside. This improvement to the character and appearance of the area can be attributed moderate weight.
- 4.4.33 The site benefits from an extant planning permission for 5 dwellings. This represents a credible and realistic fallback position that the site can be redeveloped for residential use and therefore moderate weight can be given to this factor.
- 4.4.34 Section 5 of the Framework seeks to significantly boost the supply of housing and identify opportunities for villages to grow and thrive (paragraph 79). This proposal would provide 7 dwellings which is a modest number in terms of the overall number being delivered through the Local Plan and the Council has already identified a site to meet St. Ippolyts and Gosmore's growth needs at allocated sites SI1 and SI2. No affordable housing is proposed and only limited weight can be attached to the delivery of housing.
- 4.4.35 The proposal would provide a net biodiversity gain and moderate weight can be attached to this enhancement.
- 4.4.36 The proposal would provide a range of economic benefits including through construction and related services employment and additional spending in the local economy. However, these benefits would apply to any new housing in most locations and therefore limited weight can be given to this benefit.
- 4.4.37 Notwithstanding the comments of the Conservation officer the proposals would in my view lead to an enhancement of the nearby heritage assets and moderate weight can be applied to this factor.
- 4.4.38 The offered contributions towards St. Ippolyts Primary school and the replacement changing room at Waterdell Lane are welcome however they are not essential to make the application acceptable in planning terms due to the scale of the development and therefore, although of some community benefit, no weight can be attached to these benefits in the planning balance.
- 4.4.39 There are no significant environmental harms that can be demonstrated and that cannot be mitigated by planning conditions. It is likely that concerns raised with regard to flood risk can be overcome through further discussion and agreement with the Environment Agency over specific conditions. Overall, I consider that the benefits of housing provision and the improvement to the character and appearance of the area outweigh any very limited environmental harms in terms of flood risk and in the absence of any

sound or clear cut reasons to refuse development the recommendation is that planning permission should be granted.

#### 4.5 **Conclusion**

4.5.1 The proposed development is considered acceptable in planning terms.

#### 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 That planning permission be **GRANTED** subject to the following:

- a) The resolution of the flood risk matters with the imposition of additional planning conditions as necessary and ;
- b) The submitted Unilateral Undertaking and the following conditions and informatives:

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

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

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

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

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

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

4. Prior to above slab level works full details of all windows (including rooflights) and doors shall be submitted to and approved in writing by the Local Planning Authority.



The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in 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 and in order to ensure that the development does not lead to increased flood risk.

7. Prior to the commencement of the relevant phase full details of all the exact materials proposed for all hardsurfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity

8. 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.

9. Full details of a construction phasing and environmental management programme for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works or development (including any pre-construction or enabling works). The construction project shall thereafter be carried out in complete accordance with the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority. The phasing programme shall include the following elements:
  - i) hours of construction operations including times of deliveries and removal of waste;
  - ii) measures to minimise dust, noise, machinery and traffic noise impacts during construction;
  - iii) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;

- iv) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- v) screening and hoarding details, to protect neighbouring residents;
- vi) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- vii) wheel washing facilities for construction vehicles leaving the site;
- viii) storage and removal of building waste for disposal or recycling;

Reason: To ensure the correct phasing of development in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity.

10. Prior to the first occupation of the development hereby permitted the main vehicular access shall be provided 5.5 metres wide and thereafter the access road and turning area shall be provided at the designated width and position shown on the approved drawing number P/DV0093/010 revision G  
Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

11. Prior to the first occupation of the development hereby permitted the disused access shall be closed and a footway shall be incorporated 2.0 m wide along the frontage of the site that includes informal pedestrians crossing points complete with tactiles at both ends of the development to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

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.

12. The gradient of the vehicular accesses shall not exceed 1:20 for the first 10.0 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.

13. Before the access is first brought into use vehicle to vehicle visibility splays shall be provided to both directions and permanently maintained as identified on the approved drawing number P/DV0093/010 revision G. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway 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.

14. The development hereby permitted shall be carried out in accordance with the recommendations and requirements for ecological protection as set out in the submitted Preliminary Ecological Appraisal by Greenwillows associates Ltd (dated March 2022) .

Reason: To conserve and enhance biodiversity in the interests of nature conservation.

15. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
- (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology
- (c) 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 (b), above; has been submitted to and approved by the Local Planning Authority.
- (d) 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 (c) 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.
- (e) Any contamination, other than that reported by virtue of condition (a) and (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.

16. The development shall not be occupied until a Flood Evacuation and Emergency Plan (based on the submitted Flood Risk Assessment) has been submitted to, and approved in writing by, the Local Planning Authority. The commitments explicitly stated in the Flood Emergency Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first occupation of each building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the Local Planning Authority. Upon written request, the applicant or their successors in title shall provide the Local Planning Authority with written details of how the measures contained in the Flood Emergency Plan are being undertaken at any given time.

Reason: To ensure the safety of the residents of the development against the risk of flooding

17. Prior to any above ground works on site full details of a Flood Compensation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include drawings and sections showing finished floor levels for units 4 - 7 inclusive and the proposed access road serving the development. The development shall be carried out in accordance with the approved details.

Reason: To offset the loss of floodplain storage capacity and to ensure the safety of the residents of the development against the risk of flooding

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

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

19. Prior to the first occupation of the development hereby permitted, each residential dwelling shall be provided with an active (ready to use) EV charging point which shall thereafter be provided and permanently retained.

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

20. Prior to the occupation of the development full details of the design and siting of the proposed boardwalks for units 2 & 3 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the safety of the residents of the development against the risk of flooding

#### **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. **Environmental Health Informatives**

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

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

disposal sites licensed to receive asbestos.

2. **HIGHWAY INFORMATIVE:**

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

Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website;

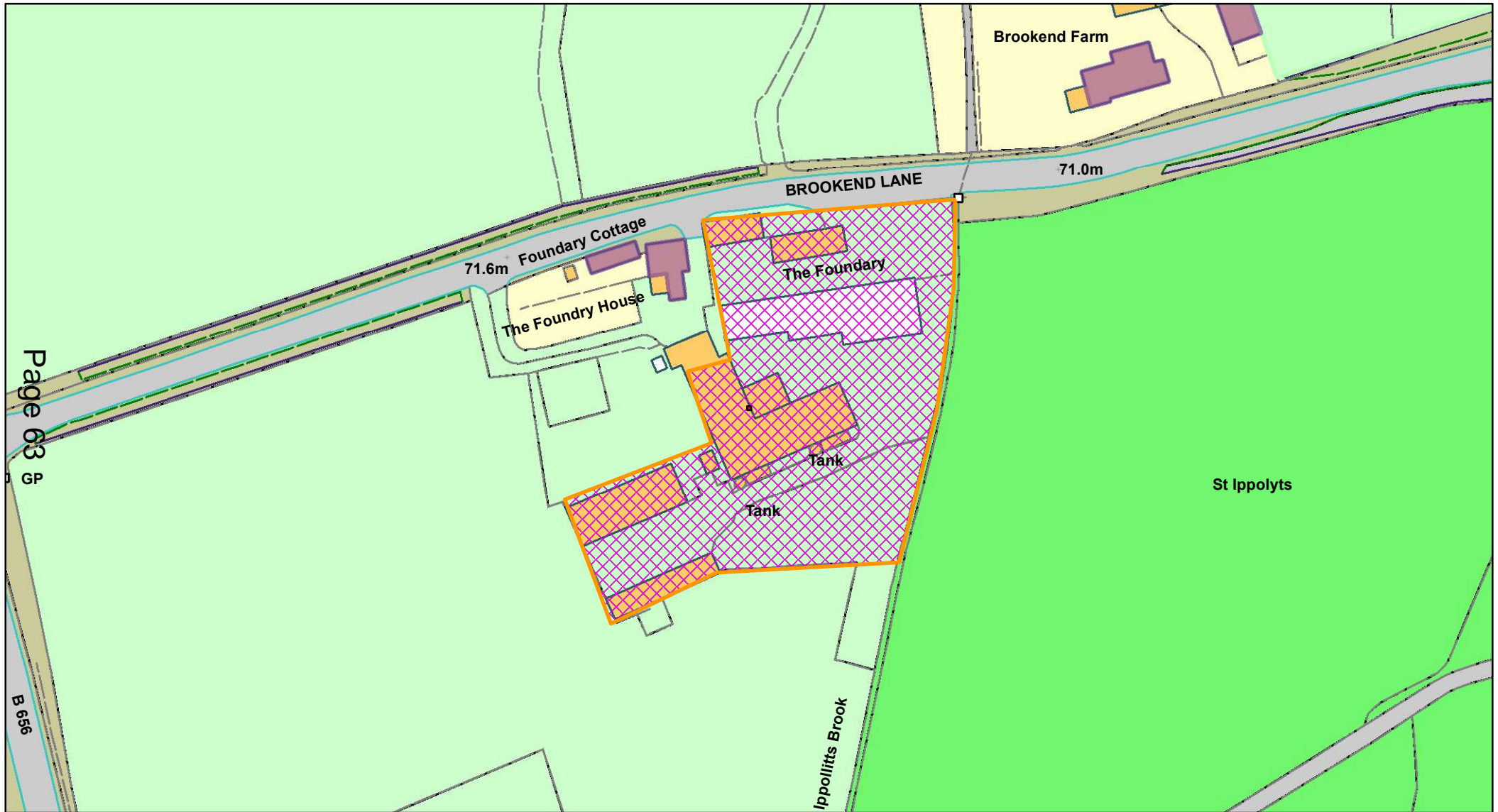
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

or by telephoning 0300 1234047.

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# NORTH HERTFORDSHIRE DISTRICT COUNCIL

22/00754/FP The Foundry, Stevenage Road, St Ippolyts, Hitchin, Hertfordshire, SG4 7NX



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Date: 28/06/2023

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## Department for Levelling Up, Housing & Communities

Sean Greaves BA (Hons) DipURP MRTPI  
Senior Planning Officer  
Strategic Sites & Major Projects  
North Hertfordshire Council

**Please ask for:** Tara Dickenson  
**Tel:** 0303 4448050  
**Email:** tara.noble@levellingup.gov.uk

By Email: [shaun.greaves@north-herts.gov.uk](mailto:shaun.greaves@north-herts.gov.uk)

**Your ref:** 21/03380/FP  
**Our ref:** PCU/CON/ X1925/3311792

**Date:** 13 December 2022

Dear Mr Greaves

### **TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

**Application by Luke Rogers for a proposed solar farm measuring 88ha with associated battery storage containers, transformer stations, storage buildings, fencing etc. including means of access (amended plans received 30.05.22) plans at Land to the North and East of Great Wymondley , Hertfordshire (application no: 21/03380/FP).**

1. I am directed by the Secretary of State to refer to the above planning application.
2. In exercise of his powers under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Secretary of State hereby directs your Council not to grant permission on this application without specific authorisation. This direction is issued to enable him to consider whether he should direct under Section 77 of the Town and Country Planning Act 1990 that the application should be referred to him for determination.
3. This letter is for procedural purposes and should not be read as any indication of the Secretary of State's attitude towards the application scheme.
5. I would be grateful for acknowledgement of your receipt of this letter. Please contact me on the number above if you have any queries.

Yours sincerely

*Tara Noble*

Planning Casework Manager  
Planning Casework Unit

*The decision to issue this Article 31 was made by the Secretary of State.*



Ministry of Housing,  
Communities &  
Local Government

Shaun Greaves  
Acting Development and Conservation  
Manager  
North Hertfordshire Council

By Email: [shaun.greaves@north-herts.gov.uk](mailto:shaun.greaves@north-herts.gov.uk)

**Please ask for:** William Cole

**Email:** [will.cole@levellingup.gov.uk](mailto:will.cole@levellingup.gov.uk)

**Your ref:** 21/03380/FP

**Our ref:** PCU/RTI/X1925/3293544

**Date:** 26<sup>th</sup> May 2023

Dear Mr Greaves

**Town and Country Planning Act 1990 – Section 77  
Town and Country Planning (Development Management Procedure)  
(England) Order 2015  
Town and Country Planning (Inquiries Procedure) (England) Rules 2000**

**Application by Luke Rogers for a proposed solar farm measuring 88ha with associated battery storage containers, transformer stations, storage buildings, fencing etc. including means of access (amended plans received 30.05.22) at Land to the North and East of Great Wymondley, Hertfordshire (application no: 21/03380/FP)**

1. I am directed by the Secretary of State to refer to the above named planning application.
2. In deciding whether to call in this application, the Secretary of State has considered his policy on calling in planning applications. This gives examples of the types of issues which may lead him to conclude, in his opinion, that the application should be called-in. In the light of his policy, the Secretary of State has decided to call-in this application. He accordingly directs, under his powers in section 77 of the 1990 Act, that the application shall be referred to him instead of being dealt with by the Local Planning Authority.
3. To consider all the relevant aspects of the proposed development, the Secretary of State has decided to hold a local inquiry. For the purposes of the 2000 Rules this letter is the “relevant notice” that an inquiry is to be held and the date of this letter is the “starting date”. All the arrangements for holding the inquiry will be made by the Planning Inspectorate in Bristol.

4. The Planning Inspectorate will write to you shortly about the procedure for determining the called-in application.
5. The original application, together with any plans and other documents accompanying it will need to be supplied to the Planning Inspectorate (including any related certificates and correspondence). The Inspectorate will contact you shortly to discuss this further.
6. Should you have any questions please contact the Planning Inspectorate (email [Mark.Boulton@planninginspectorate.gov.uk](mailto:Mark.Boulton@planninginspectorate.gov.uk) or telephone 0303 444 5239).
7. On the information so far available to the Secretary of State, the matters which he particularly wishes to be informed about for the purposes of his consideration of the application are:
  - a) The extent to which the proposed development is consistent with Government policies for protecting Green Belt land as set out in the FPPF (Chapter 13); and
  - b) The extent to which the proposed development is consistent with Government policies for meeting the challenge of climate change, flooding and coastal change as set out in the FPPF (Chapter 14); and
  - c) The extent to which the proposed development is consistent with Government policies for conserving and enhancing the natural environment as set out in the FPPF (Chapter 15); and
  - d) The extent to which the proposed development is consistent with the development plan for the area; and
  - e) any other matters the Inspector considers relevant.
8. This is to be taken as the Secretary of State's statement under rule 6(12) of the 2000 Rules.
9. In accordance with rule 6(1) and (2), the local planning authority shall ensure that two copies of a statement of case are received by the Secretary of State, and one copy has been received by any statutory party as defined in rule 2 within six weeks of the starting date (unless the Planning Inspectorate notifies you otherwise - you may wish to contact them). Your attention is drawn to rule 6(11). The Secretary of State will comply with rule 6(4).
10. You will be required to submit a statement of case, and the Planning Inspectorate will write to you about this. The statement of case should contain the full particulars of the case which you propose to put forward at the inquiry and a list of any documents to which you intend to refer or put in as evidence. If you are proposing to give evidence, or call another person to give evidence, at the inquiry by reading a written statement (i.e. proof of evidence), your attention is drawn to rule 13.

11. Your attention is drawn to rules 4 and 6(2), in particular to the requirement upon your Council to inform forthwith the Secretary of State of the names and addresses of any statutory parties.
12. Your attention is also drawn to the provisions in rule 14 of the 2000 Rules that the local planning authority and the applicant shall together prepare an agreed statement of common ground and ensure that a copy is received by the Secretary of State and by any statutory party within 6 weeks of the starting date (unless the Planning Inspectorate notifies you otherwise – you may wish to contact them).
13. In pursuance of Article 31 of the 2015 Order, the Secretary of State hereby directs the Council not to grant planning permission, without specific authorisation, for any development which is the same kind as that which is the subject of the application referred to above on any land which forms part of, or includes, the site to which the application relates until the Secretary of State has issued his decision on this application.

Yours sincerely

*Andrew Lynch*

**Andrew Lynch (Decision Officer)  
Head of Casework (Propriety and Practice)  
Planning Casework Unit**

*This decision was made by the Parliamentary Under Secretary of State (Housing and Homelessness), on behalf of the Secretary of State, and signed on his behalf*

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# The Planning Inspectorate

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Your Ref: 21/03380/FP  
Our Ref: APP/X1925/V/23/3323321

Mr Simon Ellis  
North Herts Council  
Planning Control Dept  
Council Offices  
Gernon Road  
Letchworth  
Herts  
SG6 3JF

05 June 2023

Dear Mr Ellis,

Town and Country Planning Act 1990 - Section 77 and Town and Country Planning (Inquiries Procedure) (England) Rules 2000  
Application by AGR 4 Solar Limited  
Site Address: Land to the North and East of Great Wymondley, Hertfordshire

I refer to the above called-in planning application and the Planning Casework Unit's letter of 26 May 2023. I am the case officer.

The Inspector and Secretary of State require hard copies of all documentation that was considered at application stage including representations from interested parties and consultees. Please can the Council and applicant produce an agreed schedule and submit copies of all documentation to me, electronically, within 2 weeks from the date of this letter.

The Independent Review of Planning Appeal Inquiries has been published and the Planning Inspectorate is now applying some of the Review's recommendations to called-in planning applications.

<https://www.gov.uk/government/publications/independent-review-of-planning-appeal-inquiries-report>

<https://www.gov.uk/government/news/16-out-of-22-rosewell-recommendations-implemented-as-planning-inspectorate-publishes-updated-action-plan>

<https://www.gov.uk/government/news/performance-update-moving-ahead-in-2020>

The call-in date was 26 May 2023 however certain aspects of the timetable for the application(s) begins from the date of this letter.

The Inspector and Inquiry date

The Inspector instructed by the Secretary of State is R Clegg BA(Hons) DMS MRTPI and the inquiry will open at 10.00am on 12 September 2023. We have currently scheduled 8 sitting days.

Please can the LPA secure a suitable venue as soon as possible and provide details.

The Inspector will hold a case management conference with the main parties on Teams (Inspectorate hosted), on 18 July 2023 at 14:00. details will follow including an agenda and details of how to call in. Each party should have a single spokesperson nominated to speak; the intended advocates should participate if at all possible. Please can you provide the name and email address of your spokesperson 7 days before the case conference, along with the names/email addresses of any other participants.

In advance of the case management conference, parties are requested to focus only on the matters that are in dispute and give detailed consideration as to exactly what topics could most efficiently be dealt with as a round table discussion at the inquiry (or possibly just by written submissions) in order to ensure that the inquiry is conducted in an efficient and effective manner, optimising inquiry time. This will be an item on the agenda for the conference. In light of the outcome of that discussion, the Inspector will direct how the evidence will be dealt with at the inquiry.

#### Sending documents to us and looking at the application

A timetable for some elements of the case is set out below. No reminders will be sent.

You can use the Internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is <https://acp.planninginspectorate.gov.uk/>

If emailing documents, please use the email address above. If posting documents please send 1 copy of everything. Whichever method you use, please make sure that all documents/emails are clearly marked with the full reference number.

Guidance on communicating with us electronically can be found at <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

#### Keeping to the timetable

You must keep to the timetable set out below and make sure that you send us the relevant documents within these deadlines. This will mean that we can deal with the application promptly and fairly. Not meeting the prescribed timetables may be a reason for the Inspector to initiate an award of costs (see section on costs below).

Unless agreed otherwise by the Inspector at the case management conference the following documents must be sent within this timetable.



Within 2 weeks of the date of this letter you should notify any statutory parties and interested persons who were consulted when the application was made or who made representations that I am now dealing with the case. You should tell them that:

- i) any comments they made at application stage will be submitted to the Planning Inspectorate and if they want to make any additional comments, they should submit a copy of them to me within 6 weeks of the date of this letter i.e. by 17 July 2023.
- ii) when and where the application documents will be available for inspection;
- iii) that the Planning Inspectorate will not acknowledge representations. We will however ensure that letters received by the deadline are passed on to the Inspector dealing with the application;
- iv) that the decision will be published on the Planning Portal.

Please send a copy of the notification letter to me.

By 17 July 2023

Please send me a copy of your statement giving full details of the case you will put forward at the inquiry including any documents, maps or plans you intend to refer to or use in evidence. Please also include a list of any conditions or limitations you would agree to, if the application were to be allowed. I will send a copy of your statement to the applicant and you must send a copy of your statement to any statutory parties. I will also send you and the applicant a copy of any comments received from other interested persons or organisations.

You must allow anyone who wants to inspect the application documents a reasonable opportunity to do so. Your statement must say when and where this can be done.

You must also submit a copy of the completed agreed statement of common ground, listing all matters that are not only agreed but also confirming areas where there is disagreement. Further guidance on producing statements of common ground (and a model form) is available from <https://www.gov.uk/government/publications/statement-of-common-ground>

By 15 August 2023

You and the applicant must send me a copy of your proof(s) of evidence (and a written summary if the proof is over 1500 words in length). You should also send a copy to any statutory party. A 'proof of evidence' is a written statement that you, the applicant or a witness wishes the Inspector to take into account at the inquiry. Any summary should reflect the contents of the proof and should not include new evidence.

By 22 August 2023

Please send a copy of the LPA inquiry notification letter.

### Planning obligations - section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land' or a legally binding undertaking signed unilaterally by a person 'interested in the land'. If you intend to submit a planning obligation, you must read the guidance provided on GOV.UK - [https://](https://www.gov.uk/government/publications/planning-appeals-procedural-guide)

[www.gov.uk/government/publications/planning-appeals-procedural-guide](https://www.gov.uk/government/publications/planning-appeals-procedural-guide). A draft, or heads of terms, should be submitted before the case management conference. A final draft, agreed by all parties to it, must be submitted to me no later than 10 working days before the inquiry opens.

### Statutory parties

'Statutory parties' are owners or tenants of the application site who made comments within the time limit on the application.

### Withdrawing the application

If you hear that the application is to be withdrawn, please contact me immediately. If I receive written confirmation of this from the applicant I will write to you.

### Costs

The applicant has been directed to GOV.UK for further information regarding costs – <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>. You should also be aware that costs may be awarded to either party.

Additionally, a Planning Inspector or the Secretary of State may on their own initiative make an award of costs, in full or in part, if they judge that a party has behaved unreasonably resulting in unnecessary expense.

Where a new local policy has been adopted at any point following the call-in of this application but before the decision is issued you must inform PINS and outline its effect on this application.

## Further information

Further information about how we are now handling called-in planning applications can be found at the following link. <https://www.gov.uk/government/organisations/planning-inspectorate>

If you have any questions, please contact me.

Yours sincerely,

***Alison Dyson***

Alison Dyson

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>

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## **Planning Control Committee**

### **Planning Appeals & Call-ins by the Secretary of State**

There is nothing to report relating to appeals since the meeting of 15 June 2023.

An application has been called-in for the Secretary of State for Levelling Up, Housing and Communities to determine.

**Applicant:** AGR 4 Solar Ltd

**Description:** Proposed solar farm measuring 88 hectares with associated battery storage containers, transformer stations, storage buildings, fencing etc including means of access

**Address:** Land to the North and East of Great Wymondley, Hertfordshire

**Reference:** 21/03380/FP

**Procedure:** Public Inquiry

1. This application was reported to the meeting of the Planning Control Committee on 17 November 2022 when it was resolved to grant planning permission subject to conditions and referral to the Secretary of State due to the size of the proposal and its location within the Green Belt. The application was referred to the Secretary of State on 21 November 2022. At the end of the notification period on 13 December 2022, the Council was directed by the Secretary of State not to determine the application. (Appendix A).
2. On 26 May 2023 the Secretary of State confirmed that he had decided to call in this application for his determination (Appendix B).
3. A Planning Inspector has been instructed to deal with the application and a Public Inquiry is scheduled to commence on 12 September 2023 (Appendix C)
4. Officers are in the process of appointing Counsel and a Planning Consultant to present the Council's case and give evidence at the Public Inquiry.

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