

NORTH HERTFORDSHIRE DISTRICT COUNCIL



3 November 2023

Our Ref Planning Control Committee 16 November 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, Steve Jarvis, 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

THURSDAY, 16TH NOVEMBER, 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

Item		Page
1. APOLOGIES FOR ABSENCE	Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2. MINUTES - 12 OCTOBER 2023	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 12 October 2023	(Pages 5 - 16)
3. NOTIFICATION OF OTHER BUSINESS	Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4. CHAIR'S ANNOUNCEMENTS	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION	To receive petitions, comments and questions from the public.	
6. 17/04017/FP LAND AT MILKSEY LANE, GRAVELEY	REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Residential development comprising of 4 detached, 2 link detached and 4 semi-detached dwellings with detached garages and provision of new vehicular and pedestrian access off of High Street (as amended by plans received 4/4/23)	(Pages 17 - 42)

7. **22/02942/OP LAND AT HEATH ROAD, BREACHWOOD GREEN,
HERTFORDSHIRE, SG4 8PL** (Pages
43 - 66)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Outline planning application for 10 dwellings (all matters reserved except for access)
8. **23/01807/FP COKER COTTAGE, ASHWELL ROAD, BALDOCK,
HERTFORDSHIRE, SG7 5JX** (Pages
67 - 82)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of one detached 4-bed dwelling with integral garage and creation of vehicular access off Ashwell Road (as amended by plans received 23/10/2023).
9. **22/00709/FP LAND TO THE SOUTH OF WYMONDLEY SUBSTATION AND
SOUTH OF SPERBERRY HILL, ST IPPOLYTS, HERTFORDSHIRE** (Pages
83 - 154)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Proposed solar farm measuring 35.5 hectares with associated battery storage and ancillary infrastructure (as amended by revised and additional information November 2022).
10. **APPEALS** (Pages
155 -
156)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER.

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY

ON THURSDAY, 12TH OCTOBER, 2023 AT 7.30 PM

MINUTES

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

In Attendance: *Ian Fullstone (Service Director - Regulatory), Sam Dicocco (Principle Planning Officer), Eleanor Hopcraft (Committee, Member and Scrutiny Officer), Thomas Howe (Planning Officer), Sarah Kasparian (Senior Planning Officer), Oliver Sowerby (Senior Development Officer - Development Management Herts County Council Highways), Roger Flowerday (Group Manager Local Development Plans and Strategic Development Herts County Council Highways), Justin Price-Jones (Legal Advisor) and Sjanet Wickenden (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting approximately 32 members of the public, including registered speakers and Member Advocates.*

Councillors Alistair Willoughby and Elizabeth Dennis were also in attendance.

113 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 59 seconds

Apologies for absence were received from Councillor Terry Tyler.

114 MINUTES - 14 SEPTEMBER 2023

Audio Recording – 2 minutes 15 seconds

Councillor Val Bryant, as Chair, proposed and Councillor Mick Debenham seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 14 September 2023 be approved as a true record of the proceedings and be signed by the Chair.

115 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 58 seconds

There was no other business notified.

116 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minutes 2 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be audio 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 matters for the registered speakers.
- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.

117 PUBLIC PARTICIPATION

Audio recording – 4 minutes 23 seconds

N.B Councillor Philip Weeder entered the Council Chamber at 19:34.

The Chair confirmed the registered speakers were in attendance.

118 18/01154/OP LAND NORTH OF HIGHOVER FARM TO STOTFOLD ROAD, HIGHOVER WAY, HITCHIN, HERTFORDSHIRE

Audio recording – 5 minutes 18 seconds

The Senior Planning Officer provided an update that four local residents had submitted late representations, however there were no new points raised.

The Senior Planning Officer presented the report in respect of application 18/01154/OP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Simon Bloxham
- Councillor Nigel Mason
- Councillor Sean Nolan
- Councillor David Levett
- Councillor Louise Peace
- Councillor Tom Tyson
- Councillor Daniel Allen

In response to the points of clarification the Senior Planning Officer stated that:

- The applicant used manual and automatic traffic counts to update the traffic assessment and found that the original assessment was robust, and the traffic assessment mitigation was detailed in the report.
- There were specific transport projects detailed under strand 1 of the S106 money and Highways have highlighted projects to allocate any remaining S106 money.
- The signalised 'shuttle system' under the Woolgrove Road bridge had been earmarked, along with ongoing work on other Hitchin transport projects.
- The widening the footpath under the Woolgrove Road bridge would allow users to pass each other safely, along with a shuttle traffic light system.
- There would be a one-way system under the Bridge with a height restriction, this would make it clearer to drivers and decrease bridge strikes. The cost for the bridge work was estimated at £500K.
- Projects and their feasibility had been highlighted on page 32 of the report.

- The money would be sent to HCC Highways who would then allocate the funding to the right projects according to feasibility and stage of the project.
- The footpath under the bridge would be increased from one metre wide to about 2 metres.

In response to the points of clarification the Senior Development Officer for Development Management at Hertfordshire County Council Highways stated that:

- The widening of the footpath would increase user safety, as vehicles going under the bridge would then use the middle of the road, this scheme was workable and deliverable.
- The 2017 traffic assessment had been quantified and the transport assessment trip data was robust, the trip data should show an industry standard of point 05.
- The speed limit on the Stotfold Road would be reduced to 30 miles per hour.

In response to the points of clarification the Group Manager for Local Development Plans and Strategic Development at Hertfordshire County Council Highways stated that:

- The shuttle system used traffic lights, and only allowed the one way flow of traffic at any given time, consideration had been given to any impact on congestion.
- The strand 1 works identified as S278 were usually required to develop the site and were usually carried out by a third party or the developer.
- Strand 2 works were normally identified as S106 with a contribution from the applicant. A number of schemes would be identified, and the work would usually be carried out by HCC and could take place over a number of years.
- The road speed would be 30 miles per hour from the site to the A505.

The Chair invited Mr Neil Dodds and Mr Richard Wilcox to speak in objection of the application.

Mr Dodds thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- There were concerns regarding the amount of traffic congestion, air pollution and safe routes for cyclist, pedestrians and the disabled going into Hitchin.
- The matter had been deferred for a review of the air quality and traffic management.
- A new report was received, commented on, and returned on the 13 September 2023.
- A further report dated 18 September 2023 was received, with crossed out changes which concluded that the previous traffic assessment was robust, but with all the conflicting reports the conclusion did not appear robust.
- The estate habitants would need to use a vehicle to go into Hitchin town, despite the public transport mitigation measures and the estimate of £3.42M of funding.
- The proposed cycle routes were very aspirational, but it was difficult to understand how a cycle lane could be added to the A505 and the Woolgrove crossover.
- The cycle routes from the east would be a very expensive project and had no costings or timescales.
- There were concerns that the Woolgrove Road bridge works would cause traffic congestion.
- The mitigation measures would not lead to a sustainable development.

Mr Wilcox thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The traffic report produced by WSP was basically a resubmission of the 2017 report and based on the same trip data and skewed by a region with low car ownership.
- No new, evidence based, justification had been given in the report it merely repeated that in 2018 NHDC accepted the 2017 report.

- There were assertions in the report that the traffic issues on the Cambridge Road had declined, but this was obviously caused by the pandemic and should not be used as mitigation.
- The report highlighted that traffic had been rising by 9% each year and will soon pass pre pandemic levels.
- WSP were a consultant of Hertfordshire County Council (HCC) and carried out the traffic assessment.
- The association of WSP to HCC, suggested a conflict of interest, and little weight could be attributed to the report.
- A truly independent traffic assessment should be produced.

N.B Councillor Sean Nolan declared a conflict of interest as an employee of WSP, although had not been involved in the development of these reports, and, following advice from the Legal Advisor, he left the Chamber at 20:02.

The Chair thanked Mr Dodds and Mr Wilcox for their presentations and invited Councillor Daniel Wright-Mason to speak against the application. Councillor Wright-Mason thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The proposal would have a serious impact on the highways network.
- More than 1800 people had signed a petition opposing this scheme, with many of those signing being unaware of the scheme until recently and had not been consulted.
- A number of documents produced by Highways had been circulated after the public consultation had ended.
- Cambridge Road was currently overloaded and had today been gridlocked for 1.5 miles into Letchworth, leaving drivers stranded in their driveways.
- The addition of 700 car dependant homes would add to this congestion and was mitigated only by out-of-date reports.
- An independent transport assessment would confirm this taking into account the impact of these homes on the wider road networks.
- Recent developments in Bedfordshire between Arlesey and Fairfield indicated the true traffic picture after a large development.
- A traffic survey commenced on Stotfold Road, Cambridge Road, Woolgrove Road and High Dane on the 14 September for 1 week.
- The locations of this traffic survey suggested it was related to the proposed development and would have required authorisation from Herts Highways Authority.
- The majority of local residents felt that they had not been adequately consulted on the matter, and that the developers had no meaningful relationship with the local community.

The Chair thanked Councillor Wright-Mason for his presentation and invited Mr Martin Wright and Mr Tim Parker representatives of the applicant to speak in support of the application.

Mr Wright thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The transport assessment was reviewed and remained robust and fit for purpose with extra mitigation details.
- The forecasted traffic flow was now lower than presented in the 2018 report and the predicted traffic impact of this development was deemed as low and not severe as outlined in the NPPF guidance.
- Further, on reviewing the traffic impact assessment and considering this development and other local developments including the North Herts College site, the cumulative traffic impact was deemed as low and not severe.
- The trip generation data had been compared to the industry standard trip database and was considered by Officers as acceptable.

- A number of potential mitigation schemes had been costed and considered and were contained in the report, the precise schemes to be delivered would be at the discretion of HCC but would be funded by the S106 money.
- They acknowledged that like other towns, Hitchin had existing Highways and mobility challenges and were committed to helping to improve this situation.
- This development would generate £28M of S106 money, deliver 40% of affordable housing, contribute a biodiversity net gain of 133% and a two-form entry primary school.
- The Highways contribution would be £4.7M of which £3.3M would be attributed to HCC for highway improvement projects.
- The counsel for the applicant had advised that if the development was not approved there would be grounds for an appeal, which could lead to reviewing elements of the proposed S106 agreement.
- Should this application go to appeal it could pave the way for planning by appeal, and not through planned developments.
- The application site was allocated on the Local Plan and the application was policy compliant with no objections from Highways.
- The application came with a substantial amount of S106 money.
- The application was justified, and the applicant was committed to a public consultation.

Mr Parker thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that he had produced the transport assessment, the transport assessment addendum, and the technical notes.

The Chair thanked Mr Wright and Mr Parker for their presentations and advised Members that they should not consider comments made regarding any potential appeal when making their decision on this application.

The HCC Senior Planning Officer summarised that:

- Projects that been identified that would prioritise transport into Hitchin town.
- The developer was not solely responsible for mitigating the transport issues, these would be considered for feasibility and scope and would be managed by the Highways Authority.

The HCC Senior Development Officer summarised that:

- Further details were initially requested on traffic flows and considered additional areas, on balance the traffic flows on all sites were lower than in 2017.
- A discrepancy was corrected by WSP in their follow up note and still showed that the report data was robust.
- Written information regarding the traffic survey Councillor Wright-Mason mentioned could be provided.

The Group Manager summarised that:

- Traffic monitoring had been ongoing throughout the pandemic and up to the end of 2022.
- The traffic flow was shown to be 5% lower than pre pandemic, with traffic peaks lower and more spread.
- Overall traffic volume was down by 5%.

In response to a question from Councillor Nigel Mason the Senior Development Officer stated that they had no knowledge of a traffic survey from August 2023 and that traffic surveys generally occurred in neutral months.

The following Members took part in Debate:

- Councillor David Levett
- Councillor Simon Bloxham
- Councillor Mick Debenham
- Councillor Daniel Allen
- Councillor Nigel Mason
- Councillor Tom Tyson
- Councillor Val Bryant
- Councillor Louise Peace

Points raised during the debate included:

- The applicant had complied with all of the requests in the deferment.
- The current trip data occurred when the school had 29 pupils, this would change once the site was built.
- Questions remained regarding public transport for the site.
- Whilst the impact on traffic of 700 dwellings was unknown the outcome of the application needed to be formed from the traffic report data provided.
- A planning authority required a legal reason to decline an application and there were no legal reasons to decline this application.

The Senior Planning Officer advised during the debate that £807K of strand 1 money would be invested in the Number 81 bus going through the site for a period of 5 years and was detailed in the report.

Councillor David Levett proposed and Councillor Daniel Allen seconded and, following a vote, it was:

RESOLVED: That application 18/01154/OP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

119 22/00303/FP LAND FOR FOOTPATH BETWEEN THE GREENWAY AND STOTFOLD ROAD, HITCHIN, HERTFORDSHIRE

Audio recording – 59 minutes 47 seconds

The Senior Planning Officer presented the report in respect of Application 22/00303/FP supported by a visual presentation consisting of photographs and plans.

Councillor Mick Debenham proposed and Councillor David Levett seconded and, following a vote, it was:

RESOLVED: That application 22/00303/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

N.B Following the conclusion of this item there was a short break in proceedings until 20:44.

120 22/03092/FP LAND TO THE EAST OF FOXHOLES AND GAINSFORD HOUSE AND ON THE WEST SIDE OF, CROW FURLONG, HITCHIN, HERTFORDSHIRE

Audio recording – 1 hour 14 minutes 1 second

N.B Councillor Sean Nolan returned to the Council Chamber at 20:44.

Councillor Nigel Mason advised that, following discussions with the Legal Advisor, as he had previously made comments publicly on this application and was therefore predetermined, he would leave the Chamber for the duration of this item.

N.B Councillor Nigel Mason left the Council Chamber at 20:45.

The Senior Planning Officer presented the report in respect of Application 22/03092/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Louise Peace
- Councillor Tom Tyson
- Councillor Daniel Allen

In response to the points of clarification the Senior Planning Officer stated that:

- The applicant and Officers were aware that technology moved quickly and had proposed rather than confirmed, the solar panel and air source heat pump measures in section 7.1, which had been updated in condition 25 of the report, that these would be an enhancement of the measures outlined in section 7.1.
- The biodiversity net gain (BNG) metric had demonstrated a net gain from the development and was policy compliant.
- Herts Ecology had requested a Management Plan, and this has formed part of a condition for a BNG Management Plan and will later be adopted by the Council.

In response to the points of clarification the Principal Planning Officer stated that there was no current condition regarding low level lighting.

The Chair invited Mr Neil Dodds to speak in objection of the application. Mr Dodds thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- They had made criticisms of the transport assessment and air quality reports in January and that recently the air quality report had been revised.
- There was an under estimation of the evening rush hour traffic at the intersection of Grays Lane and Upper Tilehouse Street as shown in table 5.7 of the report.
- This application along with the HG5 site would increase traffic by 40% in the morning and 53% in the evening rush hour, which would exasperate congestion especially with pedestrians crossing the road.
- The S106 money to improve pedestrian crossings, bus stops, and traffic light scheme will not elevate the traffic congestion or mitigate the congestion.
- The air quality at the foot of Grays Lane would be affected by increased queuing traffic, this junction is on the edge of an air quality management area.
- The air quality capsule in Upper Tilehouse Street is already showing nitrogen dioxide level close to, and in excess of, the air quality objectives and these are predicted to increase.
- The application should be deferred to allow a decision to be made from clear, complete, and correct information.
- The site contravenes the Local Plan as no site should overlook the Chilterns and changes to the boundary should not mitigate this.
- The loss of meadowland, trees and hedgerows would result in a loss of wildlife and protected species of bats and badgers.
- The 10% BNG was incorrect, due to the classification of grassland used in the metric calculation.
- Should the site be approved, low level lighting would mitigate some of the harm to nearby wildlife and the proximity to the Chilterns.

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Tom Tyson
- Councillor Daniel Allen

In response to the points of clarification Mr Dodds stated that:

- There would be an increase of 36 extra cars in the morning and 32 extra cars in the evening.
- The traffic survey was conducted on a Thursday by the Martin Andrew Consulting Agency.

The Chair thanked Mr Dodds for his presentation and invited Councillor Chris Lucas to speak against the application. Councillor Lucas thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- There were many concerns regarding this application including Highways, biodiversity net gain, transport and air pollution.
- The Highways concerns related to traffic volume, noise, safety and air quality.
- Highways initially refused this application and stated that the junctions at Pirton Road and at Grays Lane were over capacity, particularly in rush hours.
- Applications should be refused when there is an impact on highways safety or a severe impact on the road networks as stated in the NPPF paragraph 111.
- Highways refused this application in their first report highlighting the numerous intersecting access points for user groups and requested a new stage one road safety audit, which has not been completed.
- Highways second report did not adequately address the intersecting access points and there was no evidence of a statutory consultant request from the Rights of Way Officer.
- Little consideration had been made regarding the creation of a road junction on an existing bridleway, on an unadopted road.
- There was no consideration for the hierarchy of road users at the access point of the site.
- There had been little consideration made for off street parking and emergency vehicle access, especially when used as a shortcut.
- There was no regard to the quality of life for existing residents.
- Should the application be approved, it would be erroneous to suggest that there would not be a severe impact on the local highways.
- There would be an impact on local services, transport and congestion should this application be approved affecting the quality of life of existing residents.
- The application should be refused or deferred pending a proper stage one road safety audit.

The Chair thanked Councillor Lucas for his presentation and invited Mr Geoff Armstrong to speak in support of the application. Mr Armstrong thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The applicant had work closely with Officers and Highways to ensure they had fully complied with all requests.
- The development provided open spaces and play areas, with a mix of affordable housing.
- They would be a 12 metre buffer strip around the development due to the sensitivity of the hedgerows.
- The development was now for 47 dwellings instead of the 53 in the Local Plan and the development met all aspects of HT6 and the Local Plan.
- None of the statutory consultants had objected to the application.
- An air quality report was submitted to the environmental Health Officer (EHO) who had no objection, and it was noted that the air quality was improving in the area.

- The applicant had worked through the comments from Highways and there were now no objections from Highways to this application.
- The bridleway issue had been dealt with in the application for site HT5 in the Local Plan, which was considered on 15 June 2023.
- The metrics for the biodiversity net gain (BNG) were completed several times and showed a net gain of 10%, responses had been supplied to all BNG queries.
- They were committed to delivering the highest level of sustainability.
- They were happy to accept a condition on low level lighting.
- The scheme was policy compliant and the applicant had addressed all the report concerns.

The Chair thanked Mr Armstrong for his presentation and invited the Senior Planning officer to respond to any points of clarification.

The Senior Planning Officer advised that:

- The previous air quality data was 5 years old, and the new report found that the air quality had improved.
- The EHO had confirmed that the air quality had improved and believed that the air quality management areas may soon be revoked due to this improvement.
- Due to the change in air quality, there had been a recalculation of the mitigation S106 funding.
- There had been no road safety audit as there were now no Highways objections on this application, and Highways had stated that they were satisfied on road safety subject to the conditions of the report.

The Principal Planning Officer advised that they were happy to formulate and add a condition on a sensitive lighting scheme.

Councillor Daniel Allen stated that this application was in the wrong place and the traffic would not work properly, but there was no legal objection or legal reason to refuse the application.

Councillor David Levett proposed, with the addition of a condition on low level lighting, and this was seconded by Councillor Tom Tyson and, following a vote, it was:

RESOLVED: That application 22/03092/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager as amended by the Supplementary agenda, with the following additional condition:

“Condition 28:

Prior to the commencement of the development hereby approved, a scheme of sensitively designed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include and consider temporary construction lighting as well as more permanent lighting associated with the development hereby approved. Light-spill (including from temporary construction lighting) onto retained and newly created habitat, in particular the retained woodland habitat forming the south of the site, should be minimised in accordance with good practice guidance, as set out in footnote 15 of the approved Updated Ecological Report by Aspect Ecology referenced 1005083 UEcoAp vf12 CL dated 15/11/2022. The sensitively designed lighting strategy shall consider the following key factors:

- *Light exclusion zones*
- *Variable Lighting Regimes*
- *Light barriers*
- *Spacing and height of lighting units*
- *Light intensity*
- *Directionality*

Reason: *To ensure the protection, enhancement and management of biodiversity, and to comply with Policy NE4 of the North Hertfordshire Local Plan 2011 to 2031."*

**121 23/01198/FP 55 HARKNESS COURT, FRANKLIN GARDENS, HITCHIN,
HERTFORDSHIRE, SG4 0BS**

Audio recording – 1 hour 54 minutes 30 seconds

N.B Councillor Nigel Mason returned to Chamber at 21:24

The Principal Planning Officer presented the report in respect of application 23/01198/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Sean Nolan
- Councillor Tom Tyson
- Councillor Daniel Allen

In response to the points of clarification the Principal Planning Officer stated that:

- The application was a requirement of the properties building control condition, that required a place for a fire engine to park at a point that was within 45 metres of the furthest point of the building, and the application did not conflict with any planning policies.
- They had attended the site and made a visual inspection and believed there were potential areas available to house the benches and washing lines.
- North Herts District Council were the applicant in this matter and as the application had objections the application be decided at a Planning Control Committee meeting, as outlined in the Constitution.

In response to a point of clarification, Councillor David Levett stated that the matter had been discussed at the Overview and Scrutiny Committee. The building had been a block of flats and then the offices of Careline and now it had been converted back to flats and, as building regulations had been updated, they now required fire brigade access.

The Chair invited Mr John Bentick and Ms Susanna Casserly to speak against the application. Mr Bentick thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- Removing the parking bays and building was not an improvement for tenants and would remove a substantial part of the communal area.
- Three trees would need to be removed for this application and this would hinder the safe passageway of tenants with mobility issues.
- Parking for a fire engine had always been available from the existing car park area.
- The proposed fire brigade parking bay would be closer to an tenant that suffered with asthma.
- The changes to the 2019 building regulations required access from 45 metres from the building, which should have been considered in the original conversion planning application approved in August 2020.
- It was absurd to move the tenant facilities when this error was down to a lack of due diligence.
- There were other suitable alternatives to this scheme, and access sites for a fire engine including on the road at the back of Harkness Court.
- The item should be deferred for a site visit to view the limited space and to explore alternative solutions.

Ms Casserly thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- There had been very little communication concerning the change of use from Careline to four flats and the requirement of two parking spaces for four flats.
- The tenants pay a service charge for the communal gardens which is regularly used and cared for.
- There were no alternative sites for the washing lines and the parking space were all used and allocated.
- They were informed that four new allocated spaces would be added to the St Faith Church car park.
- Overall, the tenants felt that they had not been fully consulted regarding this application.

In response to a point of clarification from Councillor David Levett, Ms Casserly stated that the communal garden formed part of their service charge.

The Chair thanked Mr Bentick and Ms Casserly for their presentations.

Councillor Daniel Allen proposed the application and Councillor David Levett seconded the application and requested a reinforcement of recommendation 3 and to add “in consultation with the residents”.

In response to the requested recommendation from Councillor David Levett, the Principal Planning Officer stated:

- Adding a condition to consult with the residents would be unique and there was no legal reason as to why this could not be added.
- A condition could be added that the applicant undertakes a consultation exercise with the residents and submits the results as part of the condition.
- The additional suggestion would be formed from the results of communicating with the residents.

In response to the requested recommendation from Councillor David Levett, the Legal Advisor stated:

- Any planning condition would need to be precise and enforceable, to avoid any planning obligation being overridden by public rights.
- This may be a tenancy matter and not a planning matter, which were separate issues.
- The applicant was lacking in communication, which had generated the concerns of the tenants.
- An appropriate condition would need to be precise and enforceable, and an appropriate mechanism would need to be in place.

Councillor Val Bryant commented that it was clear from the comments from the objectors on the Planning Portal that the tenants had been consulted.

Councillor Allen did not accept the proposed amendment and Councillor Levett seconded the recommendations as included in the report.

The following Members took part in debate:

- Councillor Sean Nolan
- Councillor Louise Peace
- Councillor Val Bryant

Points raised in the debate included that:

- The parking space would be empty for majority of the time.
- Queries remained regarding alternative sites and whether these should be investigated.
- The application was policy compliant.

The Principal Planning Officer clarified that there was no planning reason to object to this application or for any tests for potential other sites required under the planning policies for this matter.

Councillor Daniel Allen proposed and Councillor David Levett seconded and, following a vote, it was:

RESOLVED: That application 23/01198/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

122 TPO/00208 (2023) 4 COACH DRIVE, HITCHIN, HERTFORDSHIRE

Audio recording – 2 hour 22 minutes 6 seconds

The Planning Officer presented the report in respect of TPO/00208 (2023) supported by a visual presentation consisting of photographs and plans.

In response to a point of clarification from Councillor David Levett the Planning Officer stated that they believed that the homeowner would be responsible for the tree management, and when works were required on the tree it would be reasonable to state that the Council would be unlikely to object to any application.

Councillor Sean Nolan proposed and Councillor Nigel Mason seconded and following a vote, it was:

RESOLVED: That the provisional Tree Preservation Order (TPO/00208) be **CONFIRMED**.

The meeting closed at 9.58 pm

Chair

<u>Location:</u>	Land At Milksey Lane Graveley Hertfordshire
<u>Applicant:</u>	Mr Paul Smith
<u>Proposal:</u>	Residential development comprising of 4 detached, 2 link detached and 4 semi-detached dwellings with detached garages and provision of new vehicular and pedestrian access off of High Street (as amended by plans received 4/4/23)
<u>Ref. No:</u>	17/04017/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 13.02.18

Submitted Plan Nos: SMI/170/2G; SMI/17/06C; SMI/17/03A; SMI17/05A; SMI/17/04A; SMI/17/08D; TS17-230S/1

Extension of statutory period: 30.11.23

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

1.0 **Site History**

- 1.1 There is no directly relevant planning history on this site however the following nearby planning applications are of relevance:

Land and stables at Milksey Lane

20/01437/FP: Change of Use of existing hay barn to one 3-bed residential dwelling include insertion of front and rear rooflights and alterations to fenestration (as amended by drawing nos. 03A & 05A). Grated planning permission 25.11.20. This permission expires in November 2023.

23/00186/FP: Residential development comprising of 26 dwellings including creation of vehicular access off High Street and associated parking, drainage, landscaping and amenity space. Not yet determined by the LPA.

2.0 **Relevant Planning Policies**

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

- 2.2 Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP6: Sustainable Transport
Policy SP7: Infrastructure requirements and developer contributions
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

Policy GR1: Land at Milksey Lane

2.3 National Planning Policy Framework 2023

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 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

2.4 Supplementary Planning Documents

Vehicle Parking Standards at new development (2011) plus Appendix 4 of the Local Plan. Design Supplementary Planning Document

2.5 Currently there is no Made Neighbourhood Plan for Graveley Parish

3.0 Representations

3.1 Graveley Parish Council:

Advises 'No objection' and a request to maintain the tree line to this planning application (to be submitted to NHDC).

The Parish Council have requested that consideration be given to various local infrastructure projects within the village to be funded through Section 106 contributions.

3.2 Lead Local Flood Authority

Maintains an objection in the absence of an acceptable Flood Risk Assessment & Drainage Strategy.

3.3 Local Highway Authority

Raises concerns on a number of matters including:

- The question of the sustainability of a residential development on the site
- The geometry of the access road and access point onto High Street
- Footpath connections and cycle provision.

The Highway Authority have also requested 'Strand 2' financial contributions towards improving pedestrian connectivity and connections for cycle routes in the area.

3.4 NHDC Conservation officer

Any formal comments will be reported at the meeting.

3.5 NHDC Waste Manager

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

3.6 HCC Waste and Minerals team

Advises that the site is not within the 'Sand and Gravel Belt' as identified in HCC's Minerals Local Plan 2002 – 2016 but encourages the opportunistic use of sand and gravel deposits.

Requests the imposition of a Site Waste Management Plan condition.

3.7 Hertfordshire County Council Historic Environment Advisor:

Recommends an archaeological geophysical survey and trial trenching evaluation be carried out prior to the determination of the planning application.

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.

Contamination officer - Requests a land contamination condition.

3.9 Hertfordshire County Council Growth & Infrastructure team

Requests financial contributions towards the following services:

- Primary education
- Secondary education
- Childcare services
- Library service
- Special Educational Needs and Disabilities
- Waste services
- Youth services

3.10 HCC Water Officer:

Requests a condition for the provision and installation of fire hydrants to ensure adequate water supplies are available for use in the event of an emergency.

3.11 Hertfordshire Ecology

Acknowledges the submission of the Preliminary Ecological Assessment. Requires further bat survey of stable block and recommends bio-diversity net gain calculation. (Documents submitted and awaiting further response).

3.12 Site Notice, Press advertisement and Adjoining residents

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

- Contrary to Green Belt policy
- Affordable housing required due to permission ref: 20/01437/FP
- Detrimental environmental impact
- Loss of light and blight to nearby property
- Adverse visual impact
- Additional traffic and environmental pollution
- Will set a precedent for further development nearby
- Will adversely affect water pressure.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.2 The application site comprises an irregular shaped piece of land of approximately 1.38 hectares located on the north side of Graveley village bounded the High Street to the east, Bridleway 21 to the west and Milksey Lane to the south. To the north the site abuts land containing several stables and a barn which are set back from Graveley Lane. The application site itself is mainly open in character and includes a large U-shaped stable block with associated paddock land. There are several small timber / metal storage buildings close to the stable block. Several lengths of post and wire fencing cross the land. The site is largely screened from the surrounding roads and footpath by mature trees and hedgerows and there is a significant fall in levels across the site from north to south. More recently, several diseased / rotten trees have been removed along the southwestern boundary for safety reasons due to their proximity to the adjacent footpath / bridleway.

4.3 Following the adoption of the Local Plan 2011 – 2031 the village of Graveley is designated a Category 'A' village and the whole of the site falls within the village boundary. The site as well as the separate parcel of land to the north comprising several stables and agricultural storage barn have been allocated as a housing site for approximately 8 dwellings (GR1 – Land at Milksey Lane). The site the subject of this application accounts for approximately 80% of the land allocated as GR1.

4.4 The southern tip of the application site (comprising about 10% of the total site area) lies within the Graveley Conservation Area. The nearest listed buildings are located approximately 140m to the south (Fife House, The White House and Nos 24 – 28 High Street). Graveley House to the south and No. 48 on the east side of the High Street are non-designated buildings which are considered to make a positive contribution to the character and appearance of the Graveley Conservation Area.

4.5 The western boundary of the site abuts a bridleway (Graveley 021) which then links with Bridleway 024 heading south into the village and the public footpath Gravelly 018 which runs along the southern boundary of the site and terminates at the junction with High Street. Gravelly High Street is a classified road (B197).

4.6 The application site is within Flood Zone 1 (low probability of flooding) as indicated on the GOV.UK Flood Map for planning.

4.7 **Proposal**

4.8 This detailed application seeks permission for the redevelopment of the site with the erection of 10 dwellings with associated private amenity space and other green space, parking and landscaping with new vehicular access from High Street.

4.9 The proposal would comprise four semi-detached 3-bedroom dwellings, 4 detached 5-bedroom dwellings and two link detached 5-bedroom dwellings. The development would be accessed from High Street via new 5.5 m wide access road including footpath and bell mouth entrance feature. The internal access road would follow a northerly alignment through the site serving 6 of the houses before terminating with a turning head. Beyond this a private drive would serve the remaining four units.

4.10 The semi-detached dwellings would be two storeys with hipped roofs whilst the detached and link detached units would have a lower eaves line with the first-floor accommodation within the gabled roof space. The main external materials would be brick plinth facing brick, dark stained timber boarding for the elevations and Redland Cambrian slates for the roofs. 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.

4.11 The application includes indicative landscaping plan across the site with two main belts of new tree planting (across the centre of the site and along the northern boundary) and the provision of two areas of green space the larger section comprising a wildflower meadow. All trees around the site boundaries are to be retained.

4.12 **Key Issues**

4.13 The principle of development

4.14 The site is allocated for housing in the North Hertfordshire Local Plan 2011- 2031 under Policy GR1. Following adoption of the plan the site has been removed from the Green Belt and become part of the Category 'A' village boundary of Graveley. Site GR1 is allocated for the provision of approximately 8 dwellings although it should be noted that the site the subject of this planning application accounts for approximately 85% of the GR1 allocation with a strip of land between the northern boundary of the site and Graveley Lane falling outside of the application site.

4.15 Policy GR1 sets out the following site-specific criteria:

- Sensitive design to minimise impacts upon Graveley Conservation Area
- Archaeological survey to be completed prior to development
- Maintain Public Right of Way (Graveley 018) through the site.

4.16 The above criteria will be covered in more detail in this report, however briefly the proposals address the criteria in the following way:

Impact on Graveley Conservation Area

Only a relatively small section of the site is within the Graveley CA. That said, the scheme has been re-designed since its original submission to reflect the location of the site partly within and partly adjacent to the CA with a development that is more sympathetic to the semi-rural location focussing on a more barn-like architectural approach using traditional

roof forms and materials. There is a greater mix of dwelling styles and sizes and a more informal layout which is reflective of the historic village character.

Archaeological survey

An archaeological geo-physical survey has been commissioned and the results will be available prior to determination of the application. It is expected that archaeological conditions will be required by the Historic Environment officer at HCC.

Public Right of Way 018

The application site excludes the public footpath and does not encroach into it and therefore its width and alignment will be maintained as it is currently.

- 4.17 The proposal is for 10 dwellings which represents an increase of 20% on the dwelling estimate for the site in Policy GR1. Footnote 33 to Policy SP2 (Settlement Hierarchy and Spatial Distribution) states:

'The figures shown in this policy for individual settlements are the total of planned, permitted and completed development for the period 2011-2031. These figures are not a target and do not necessarily represent the maximum number of new homes that will be built.'

Even though all of the GR1 allocation is not involved in this proposal I consider that a 20% increase on the dwelling estimate (i.e. two additional dwellings) is not unreasonable and is reflective of other applications in the district where increases on the dwelling estimate for allocated sites in the LP has been accepted by the Local Planning Authority when determining planning applications. The key issue is whether the quantum of development for any development is appropriate given the specific circumstances of a site and it is a matter of judgement as to whether a particular scheme would or would not, as a result of its density, be harmful to the character and appearance of an area.

- 4.18 The Planning Inspectorate's Report on the Examination of the North Hertfordshire Local Plan 2011 – 2031 provides the Inspector's view on the suitability of site GR1 for development. In paragraph 396 of the report, after considering the larger sites north of Stevenage, the Inspector states:

'Site GR1 is clearly of a wholly different scale to these. It consists of a stable yard, equestrian buildings and a riding arena. While the site itself is quite open, it is reasonably well enclosed in the landscape, largely as a result of the high trees around its boundaries. The Green Belt Review Update concludes that the new homes proposed on it would lead to moderate Green Belt harm. In my view, the Green Belt impacts would be moderate at most, and the trees and other vegetation present will ensure that these effects are ameliorated as much as is reasonably possible.'

- 4.19 In summary on the on the principle of development, it is considered that the proposal would generally be in accordance with the Local Plan including site specific policies contained in Policy GR1 and Policy SP2 with regard to the general location and amount of development.

4.20 Impact of the development on the character and appearance of the area

- 4.21 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 users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 4.22 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.
- 4.23 The site is within a semi-rural setting at the northern end of the village of Graveley however there is some development opposite the site on the east side of High Street with a loose knit collection of detached dwellings and there are some agricultural / equine buildings to the north. The site is well contained by the High Street, Graveley Lane and the public footpath / bridleway that abut the western and southern boundaries. A key feature of the site is the existence of mature trees and hedgerows that surround the site and this adds to the generally verdant and rural character. The built form of the proposed development occupies almost exclusively the open paddock area in the middle of the site and maintains, with the exception of the proposed new vehicular access point the well landscaped boundaries of the site.
- 4.24. The density of the proposed development will be relatively low at around 7.4 dwellings per hectare. This reflects the semi-rural location and allows for significant spacings between dwellings and retention of boundary vegetation.
- 4.25 The vehicular entrance into the site will necessitate some removal of the trees and embankment above the pavement level along High Street and a reduction in ground levels to allow for a 1:20 gradient for the access. This will open up views into part of the site. However, these views would be limited to the first part of the access and the two pairs of semi-detached dwellings. Plots 6 & 7 would be most visible with plots 4 & 5 set further back into the site. The remainder of the development would be set on higher ground and set back from the site boundaries screened by the boundary vegetation.
- 4.26 Apart from the vehicular and pedestrian access point there would be no development facing onto High Street. Plots 6 & 7 are angled so that they face onto the internal access road and plots 8, 9 & 10 are set into the site well above pavement level with their gardens forming a buffer between the built development and the eastern High Street boundary. Given the rising embankment above pavement level and the set back of the proposed houses into the site it is considered that the development would have limited impact on motorists and pedestrians passing the site.

- 4.27 In terms of how the development will be experienced from the bridleway, public footpath and byway there would be glimpsed views through the fairly consistent boundary vegetation from Bridleway 21 but more open views of the site from a large part of Footpath 018 and to a lesser extent from Byway 024 where there is less boundary vegetation. However the low density of the scheme and the significant gaps between the dwellings together with the generous gardens buffering the built form of the development from the site boundaries helps to minimise the visual impact of the development as observed from the rights of way. Additional planting, particularly along the Footpath 018 boundary would assist in filtering views of the development from the footpath and byway maintaining the rural enjoyment of the route by users.
- 4.28 Plots 4, 5, 6 & 7 would be two storey dwellings with traditional features such as hipped roofs with grey slates, exposed rafter feet, timber cladding, timber windows and stock brickwork plinths. These dwellings are generally modest in footprint and scale. Each of these dwellings would have a front garden with garages sited to the side of each house leaving an open, well landscaped frontage. This group of dwellings would be the most visible part of the development to public views from outside of the site however their traditional design features, limited number and spacious well landscaped setting would provide for an attractive and aesthetically visibly pleasing form of development.
- 4.29 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 7.4 dwellings per hectare which reflects the edge of village location of the site 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.
- 4.30 Plots 1, 2, 3, 8, 9 & 10 are located further into the site and arranged around a shared courtyard reminiscent of a farmstead layout. This group of dwellings will have lower eaves height but the same external materials as plots 4, 5, 6 & 7. The gabled roof form and projecting gables provide a barn like appearance appropriate to this rural setting. This part of the site will be well screened from public views by existing and proposed vegetation. The generous gardens will also act as landscaped buffers between the built form and the site boundaries.
- 4.31 The topography of the site is such that there is a marked slope upwards from the southernmost tip to the northern boundary (from +102 to +109). The site section drawing SMI/17/08C illustrates how the change in levels is accommodated across the site. The majority of ground level reduction is to allow the access road to be provided within the 1:20 gradient specified by the highway authority. If permission is granted a condition is recommended to require final details of finished floor levels, ridge and eaves heights of all of the proposed buildings.
- 4.32 Apart from the site entrance, the access road, together with the parking and garages off it, are well screened within the centre of the development. The main part of the access road and turning head is framed by Plots 4, 5, 6 & 7 and open space. The landscaped setting and low density of development around the access provides for a pleasant approach into the site appropriate for this small-scale development and rural location. With the exception of the necessary access road there is very little tarmacked hard surfacing across the site.
- 4.33 Clearly with the allocation of the site for housing under Policy GR1 the character and appearance of the site once developed will change. However, the proposed revised layout and house designs has produced a more bespoke form of development that can

assimilate and integrate well with the particular characteristics of this site and its surroundings.

- 4.34 In summary, taking into account all of the above features of the development and having regard to the surroundings of the existing site, I consider that the development would be consistent with the guidelines in the NPPF requiring high quality and inclusive design and be 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.

4.35 Impact on Heritage Assets

- 4.36 Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impacts on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest possessed. Furthermore, section 72(1) of the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. 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.

- 4.37 The Graveley Conservation area has two distinct character areas – the western part centred on the High Street and the eastern part centred around the Church of St. Mary with both areas linked by Church Lane. The western character area is dominated by the wide High Street and the generally linear pattern of development along it. The wide High Street provides open and distant views through the character area and demonstrates a wide range of architectural styles. The special interest and significance of the CA is derived largely from the quality, range and variety of the historic buildings within it. The rural character of the village, particularly the eastern side, is a key factor which is evident from the form and loose knit pattern of development in that area together with the presence of traditionally constructed vernacular residential properties, agricultural buildings, a high proportion of greenery and views of the countryside.

- 4.38 As required by the NPPF the applicant has submitted a Planning & Heritage statement which addresses the impact of the development on the Graveley CA. It concludes:

'The proposed development of the application site would not cause any harm to the green coded trees along the south-eastern side of the site, which lie to the south of the proposed access into the development, nor impact upon the arrowed view southwards of the junction. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. In this case the proposed development would not impact upon the ability to appreciate the setting of this part of The Conservation Area, having a neutral affect.'

- 4.39 Only a relatively small portion of the southern tip of the application site is within the Graveley Conservation Area and the boundary of the CA as it crosses the site does not follow any defined features on the ground. This southerly part of the site within the CA is framed by trees and post and rail fencing along the High Street and Milksey Lane boundaries. The land falls towards the junction with High Street. There will be no built development within the CA part of the site – this area will remain open as part of the garden to Plot 7.

- 4.40 The Graveley Conservation Area Character statement (GCACS) identifies a narrow length of trees between the site and the High Street footpath as being 'Significant areas of trees'. The identified tree belt lies outside of the application site and is not proposed to be removed or affected by the proposed development.
- 4.41 The GCACS also identifies key views throughout the CA the nearest being KV2 'Driveway to 48 High Street looking south along High Street'. The application site is north of this viewpoint and does not affect the KV2 vista southwards.
- 4.42 Approximately 130 m to the south of the application site are a collection of Grade II listed buildings comprising Nos 24, 26 and 28 High Street and The White House and Fife House and linked outbuildings. As noted on the various listed descriptions the significance of these heritage assets lies wholly with the buildings and structures themselves, either individually or as group value (in the case of Nos 24 – 28), deriving their heritage significance mainly from the evidential value of their historic fabric rather than their curtilage or wider area around them. None of these buildings rely on the application site for their special interest and there is no historical or functional association with the application site.
- 4.43 The Church of St. Mary is over 350 m to the east, separated by several fields and located adjacent farm buildings. Whilst this building is of substantial significance given its Grade I status, the proposed development would have no significant impact on the historic character or setting of the church given its distance from the application site and the separation provided by the intervening open agricultural land and dwellings west of the church.
- 4.44 In terms of non-designated heritage assets, No. 48 opposite the site and Graveley House to the south are both identified in the GCACS as buildings that contribute to the character of the CA. The proposed development does not directly affect these buildings or their setting. No. 48 High Street is the nearest non-designated heritage asset to the site although separated by the wide B197 High Street. The access to this property is further south so there would be no interference in that regard. The main aspect of No. 48 is north / south whilst the development site is to the west. The eastern side of the highway contains a continuous row of trees which provide a suitable buffer and screen from the development site itself. As a result of all these factors it is unlikely that there would be any demonstrable harm to No. 48 as a non-designated heritage asset.
- 4.45 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 on other buildings at the periphery of the village for example at the nearby Grade II listed barns at Graveley Bury, Church Lane. The proposed development has some variation in design reflective of the wide range of architectural styles in the village in that Plots 4, 5, 6 & 7 form two pairs of hipped dwellings with the remaining plots 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.
- 4.46 There is no formal identification in the GCACS of the small part of the CA within the site as an important space but this does not mean that it is not a positive feature of the conservation area. Nonetheless, the absence in the scheme of any built development in the CA part of the site ensures that its contribution to the special character of the CA remains. Overall, it is considered that the scheme will be compliant with the bullet point in Policy GR1 which states 'sensitive design to minimise impacts upon Graveley Conservation Area'.

- 4.47 The proposed development is immediately adjacent to an Area of Archaeological Significance which includes the historic core of Graveley and the Church of St. Mary to the east. The historic environment officer at Herts County Council advises that remains from the Roman or late prehistoric periods will survive below ground due to the minimal development of the site to date and has therefore requested a geophysical survey and trial trenching evaluation to be carried out prior to the determination of the application. A geophysical survey has been prepared and the further comments of the historic environment officer are awaited. The County Council has recommended archaeological conditions in connection with an undetermined planning application for residential development immediately to the south therefore it is expected that similar conditions will be required in this case.
- 4.48 Having regard to the above factors I consider that the proposed development, once fully completed and landscaped, would have limited impact on the special character of the Conservation Area and a neutral impact on the nearest listed buildings. Heritage assets of archaeological interest can be protected through appropriately worded planning conditions. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. This issue is addressed in the planning balance below however in overall conclusion on the impact on heritage assets it is considered that, taking into account the allocation of the site for housing in the Local Plan, the proposed development has potential to make a positive contribution to local character and distinctiveness consistent with Paragraph 197 of the Framework.
- 4.49 Highways, parking and rights of way
- 4.50 The main vehicular and pedestrian access to the site is proposed via a 5.5m wide carriageway off the B197 High Street approximately 55m north of the Milksey Lane junction. The B197 is subject to a 30mph speed limit in the vicinity of the site. The application is accompanied by a Transport statement and supplementary transport note in addition to a Road Safety Audit (RSA).
- 4.51 With regard to the access point, the visibility has been designed to be in accordance with Manual for Streets 2 (MfS) and the Design Manual for Roads and Bridges. The submitted RSA has identified two concerns – sight stopping distances and dropped kerbs. These issues are addressed in the TN and can be resolved in through a detailed design process as part of a Highways Section 278 Agreement.
- 4.52 Traffic generation has been calculated using the TRICS database and this indicates that the development of 10 dwellings would result in 5 vehicle movements during the AM peak hour and 6 vehicle movements during the PM peak hour with 53 movements daily. The TS concludes that these levels traffic can easily be accommodated by the proposed site access and are not expected to significantly affect the local highway network.
- 4.53 The Highway Authority (HA) has requested that permission is not granted until several outstanding matters of concern are addressed. A revised Technical Note has been received from the applicant's consultants covering these issue and further comments are awaited from the Highway Authority.
- 4.54 The HA has raised concerns about the sustainability of the site for residential development. This is not a credible position. Site GR1 has been sustainability tested as part of its allocation for housing in the Local Plan. The Local Plan Inspector raised no concerns over the site's allocation for housing in the Local Plan Examination Report. Furthermore, the site is located within a Category 'A' village where general development will be allowed under Policy SP2. There is direct footpath access into the village as well

as a link to the National cycle route 12 which runs past the site. The village contains a primary school and other facilities and has a half hourly bus service during the week to Letchworth and Stevenage. The Coreys Mill neighbourhood area to the south containing Lister Hospital, secondary school, bus terminal and supermarket is around 10 minutes cycling distance via safe off-road cycle routes or within 5-10 minutes by bus or 3 minutes by car. In view of all of the above factors, the concerns of the HA in respect of the overall sustainability of the site for residential development should not be given any weight.

- 4.55 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). The garages are oversized to ensure sufficient room for cycle and scooter storage.
- 4.56 Policy GR1 requires the maintenance of public right of way Graveley 018 through the site. The route of footpath 018 is around the western and southern periphery of the site and is therefore not directly affected. To increase the permeability of the site however and to encourage use of the public footpath and cycleway network a direct link to Bridleway 021 is proposed along the western boundary.
- 4.57 Whilst there are some outstanding highway matters, it is considered that these can be resolved through planning conditions and the required S278 highways agreement. Paragraph 111 of the Framework states that '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. This site is allocated for housing in the local plan and given the limited scale of the development it is unlikely that there would be any unacceptable and/or severe highway impacts.
- 4.58 In light of the above, it is recommended therefore that should the Planning Committee be minded to grant planning permission subject to the S106, the resolution should also be subject to the resolution of the highway matters and any conditions requested by the HA.
- 4.59 Living conditions
- 4.60 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.
- 4.61 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.
- 4.62 Environmental matters
- 4.63 The site is located within Flood Risk Zone 1 which is considered to be at very low risk to fluvial and surface water flooding. A Flood Risk assessment (FRA) has been submitted as part of the application which concludes that on-site and off-site flood risks to the proposed development and the local area can be reduced and managed appropriately.
- 4.64 The LLFA has objected to the application and requested additional information with regard to several matters. A survey has been undertaken of the existing sewer and the results and amended FRA will be provided to the LLFA for additional comments. It is recommended that any resolution to grant planning permission is subject to the concerns of the

LLFA being resolved together with any conditions required by the LLFA.

- 4.65 The application is supported by a Preliminary Ecological Appraisal and an Ecology Note in response to a request for further information from Hertfordshire Ecology. The site is not a designated local wildlife site and there are no statutory wildlife designations nearby.
- 4.66 The submitted Ecology Note addresses the outstanding information required by Hertfordshire Ecology and a further response is awaited. 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 Note in respect of the remaining buildings and habitat on the site and various mitigation recommendations.
- 4.67 The application is also supported by a Biodiversity Net Gain Feasibility report that states that there would be a biodiversity net gain of 0.05 Biodiversity Units equivalent to +0.87% subject to a new area of mixed scrub being planted within the site to mitigate against the loss of scrub and trees. This can be secured as part of a detailed landscaping scheme. The net gains in biodiversity, although small, meet the current requirements of the NPPF and Policy NE4 of the Local Plan. Policy NE4 requires new development to achieve 12m buffers of complimentary habitat around trees and hedgerows. The revised layout will generally achieve this aspiration through concentrating the majority of the development in the centre of the site away from the existing boundary trees and vegetation.
- 4.68 Matters relating to noise, land contamination and air quality can all be dealt with by planning conditions and/or informatives.
- 4.69 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, 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.
- 4.70 Archaeology
- 4.71 As mentioned above, the Historic Environment Advisor at the County Council has requested that an archaeological geophysical survey and trial trenching evaluation be carried out prior to determination of the application due to the high probability that remains from the Roman or late prehistoric periods will survive below ground due to the minimal development of the site to date. This work has been commissioned and the results will be available and reported to the Planning Committee meeting.
- 4.72 Evidence of a Roman road, running in a north-south direction, was discovered in trial trenching on the adjacent development site to the south the subject of planning application ref: 23/000186/FP and it is likely that remains of the road will also be present on the application site given its immediately adjacent location. The submitted archaeological statement on the adjoining site concluded that *'the archaeological remains recorded on site do not represent a constraint to development. In accordance with national and local planning policy, a requirement for mitigation excavation of the Roman road and its associated features, to be followed by post-excavation assessment, analysis, publication and archiving, could be secured by means of a condition on planning permission, should this be granted.'* The Historic Environment officer at HCC has agreed with this assessment and has recommended standard wording archaeological conditions. It is very likely that this would be the case with this current

application and therefore it is recommended that the same conditions are applied. Any further requirements of the Historic Environment advisor will be reported at the meeting.

4.73 Planning Obligations

4.74 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 planning obligations can legitimately be sought. The development proposal falls below the 11-unit threshold for requiring affordable housing as set out in Policy HS2 of the Local Plan.

4.75 The applicant has agreed the following financial contributions:

Element	Details	Justification
Waste collection and recycling (HCC)	£1,080 (indexed linked to BCIS 3Q2022) towards increasing the capacity of Stevenage Recycling Centre and/or provision serving the development	Herts County Council 'Guide to developer infrastructure contributions (July 2021)
Waste Service (HCC)	Transfer Station towards the new Northern Transfer Station and/or provision serving the development (£1,717 index linked to BCIS 3Q2022)	Herts County Council 'Guide to developer infrastructure contributions (July 2021)
Primary Education (HCC)	Towards the delivery of a new primary school in Stevenage and/or provision serving the development (£139,318 (which includes land costs of £2,632) index linked to BCIS 1Q2022)	Herts County Council 'Guide to developer infrastructure contributions (July 2021)
Secondary Education (HCC)	Towards the delivery of a new secondary school in Stevenage and/or provision serving the development (£142,186 (which includes land costs of £3,614) index linked to BCIS 1Q2022)	Herts County Council 'Guide to developer infrastructure contributions (July 2021)
Childcare service ages 0 - 2	Towards new childcare provision in Stevenage and/or provision serving the	Herts County Council 'Guide to developer infrastructure contributions (July 2021)

	development (£8,369 index linked to BCIS 1Q2022)	
Childcare service 5 - 11	Towards new childcare provision in Stevenage and/or provision serving the development (£149 index linked to BCIS 1Q2022)	Herts County Council 'Guide to developer infrastructure contributions (July 2021)
Special Educational Needs and Disabilities (SEND)	Towards the delivery of new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£14,058 index linked to BCIS 1Q2022)	Herts County Council 'Guide to developer infrastructure contributions (July 2021)
Library Service	Towards the delivery of a new centre at Stevenage Library and/or provision serving the development (£3,823 index linked to BCIS 1Q2022)	Herts County Council 'Guide to developer infrastructure contributions (July 2021)
Youth Service	Towards the delivery of a new centre at Bowes Lyon Young People's Centre and/or provision serving the development (£3,968 index linked to BCIS 1Q2022)	Herts County Council 'Guide to developer infrastructure contributions (July 2021)
HCC Highways (Sustainable transport)	Strand 2 contribution involving an index linked sum of £6,826 per residential dwelling, i.e. an index-linked sum of £68,260	Herts County Council 'Guide to developer infrastructure contributions (July 2021)
Gravelly Parish Council infrastructure improvements	Contribution of £6,300 (before indexation) to include the following projects: <ul style="list-style-type: none"> <input type="checkbox"/> Playground improvements <input type="checkbox"/> Provision of railings around Graveley Pond, Pondsides 	NHDC Local Plan Policy SP7 ('Infrastructure requirements and developer contributions')
Management scheme	Scheme of provision, adoption and management of	Policy SP7 'Infrastructure requirements and developer contributions'

	landscaped areas and drainage infrastructure	
Monitoring fees	£340 for each distinct trigger point in S106 agreement	Herts County Council 'Guide to developer infrastructure contributions (July 2021)

4.76 Planning Balance

- 4.77 This site is allocated for residential development in the adopted local plan. The proposal meets the site-specific criteria for site GR1 and the proposal is in general conformity with Policy SP9. It is considered that the application is acceptable in principle.
- 4.78 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 10 dwellings which is a modest number in terms of the overall number being delivered through the Local Plan. However, it is an allocated housing site in the Local Plan and will therefore assist in meeting the district's housing needs. Significant weight can be attached to the delivery of housing.
- 4.79 The 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.
- 4.80 The development would result in some increase in traffic but this would not be significant. Sustainable transport contributions will assist in mitigating the highway impact of the development and encourage use of sustainable transport modes. Any harm arising from the highway impact of the development would be limited.
- 4.81 The proposal would provide a net biodiversity gain and moderate weight can be attached to this enhancement.
- 4.82 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.
- 4.83 There would be no harm to the Conservation Area or other heritage assets. Archaeological designated heritage assets can be protected by condition. This issue is neutral in the planning balance.
- 4.84 The proposal is subject to a number of financial contributions to mitigate against the impact of the development. The contributions will result in some relatively small improvements to local community facilities. Only limited weight can be attached to these benefits.
- 4.85 The proposal will result in some environmental disruption and harm during the construction process but this will be short term. Additional traffic will be generated which will add to congestion during peak periods however the submitted transport technical note demonstrates that additional traffic levels will be low and the submitted Road Safety Audit does not identify any serious road safety issues that cannot be mitigated by Section 278 highway works. These harms attract only limited weight in the planning balance.

4.86 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 Lead Local Flood Authority over specific conditions. Overall, I consider that the benefits of housing provision outweigh any very limited environmental harms in terms of flood risk and highway safety and in the absence of any sound or clear-cut reasons to refuse development the recommendation is that planning permission should be granted subject to the recommendation set out below.

4.87 **Conclusion**

4.88 The proposed development is considered acceptable in planning terms.

4.89 **Pre-commencement conditions**

4.90 I can confirm that the applicant agrees 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 and highway matters to the satisfaction of the Local Planning Authority with the imposition of additional planning conditions as necessary; and

b) The completion of a satisfactory Section 106 Legal Agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required; and

c) 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. Prior to commencement of any above ground construction works, full details of the external materials to be used in the facings of all buildings, and including their roofs, shall be submitted to and be approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: To comply with Policy D1 of the Local Plan and 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 use, the gradient of the main vehicular access road shall be constructed not be steeper than 1 in 20.

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

5. 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).

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

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

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).

7. (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 1 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. To comply with Policy D1 of the Local Plan.

8. Prior to the commencement of any landscaping works, a Biodiversity and Landscape Management Plan (Landscape Ecological Management Plan) which details how the ecological units shown in the approved biodiversity metric will be delivered as the part of the development shall be submitted to and approved in writing by the Local Planning Authority. It should address the aspirations of NPPF in achieving overall net gain for biodiversity, along with details on how it is planned to incorporate biodiversity as part of the development scheme, how the habitats within the site boundary will be managed to maintain long term biodiversity objectives, and if possible, who will have the management responsibilities. As such the plan shall include the following:

- a) aims and objectives of management;
- b) location, area and species composition of the habitats shown within the approved metric to be retained, enhanced and created; (which may include the area offsite to the north)
- c) appropriate management options for achieving target condition for habitats, as described in the approved metric;
- d) prescriptions for management actions, or definitive measures are acceptable;
- e) preparation of a work schedule capable of being rolled forward in perpetuity), clearly

marked on plan; and

f) ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.

g) Details and number of integrated swift boxes and integrated bat boxes (make, model and location), and hedgehog highways.

h) the body or organisation responsible for implementation of the Plan and monitoring and remedial measures of the Plan. The plan shall be implemented in accordance with the approved details and the programme as approved and the measures shall be maintained and retained thereafter.

Reason: To ensure that the agreed landscaping and biodiversity gains are delivered and maintained in the interests of local biodiversity, ecology and the visual amenity of the site. To comply with Policy D1 of the Local Plan.

9. Prior to above ground construction works being commenced, an energy and sustainability statement shall be submitted to and approved in writing by the LPA. All measures shall be implemented and thereafter retained in accordance with the approved statement.

Reason: To ensure that the development is energy efficient and minimises energy use. To comply with Policy D1 of the Local Plan

10. A 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.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Approved Written Scheme of Investigation

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

Reason: To comply with Policy HE4 of the Local Plan and to ensure that the appropriate site investigation relating to potential archaeological remains are investigated on this site prior to the implementation of the planning permission

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

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North

Hertfordshire Local Plan 2011 to 2031.

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

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

13. No development above ground shall take place before a scheme of hard and soft landscaping and full details of all boundary treatment within the site and along the site boundaries, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of the development hereby approved. Any trees, shrubs or plants that die within a period of five years from the completion the development or are removed and/or become seriously damaged or diseased in that period, shall be replaced in the first available planting season with others of similar size and species.

To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the area and to comply with Policies NE2 and NE4 of the North Hertfordshire Local Plan 2011 – 2031.

14. No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

Reason: To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties. To comply with Policies D1 and SP9 of the Local Plan.

15. 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 and Ecology Note by Applied Ecology Ltd.

Reason: To comply with Policy SP2 and NE4 of the Local Plan and to conserve and enhance biodiversity in the interests of nature conservation.

16. Prior to the commencement of the development hereby permitted a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with Hertfordshire Fire and Rescue Service. The required hydrants shall be provided on site by the developer at no cost to the Hertfordshire County Council or Hertfordshire Fire & Rescue Service and maintained in perpetuity.

Reason: To comply with Policy SP7 of the Local Plan and to ensure adequate water supplies for use in the event of an emergency.

17. No development shall take place until a Site Waste Management Plan (SWMP) for the

site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

18. Prior to the occupation of the development hereby permitted full details of the siting and design of the proposed ecological enhancements including any proposed bat boxes, owl boxes and wild bird (sparrow, swift and housemartin) boxes shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of nature conservation and to achieve bio-diversity net gain for the development in accordance with local plan policies SP12 and NE4 and the Environment Act 2021.

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

Reason: To comply with Policy SP12 and NE4 of the Local Plan and in the interests of biodiversity and local amenity.

20. 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

21. No gates shall be provided across the access to the site.

Reason: In the interests of local visual amenity and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

22. No dwelling shall be occupied until a scheme setting out details of all on-site household refuse and recycling storage and collection facilities (and including 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.

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.

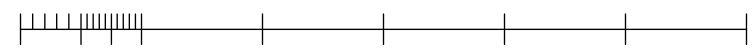
Informative/s:**EV Charging Point Specification:**

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.

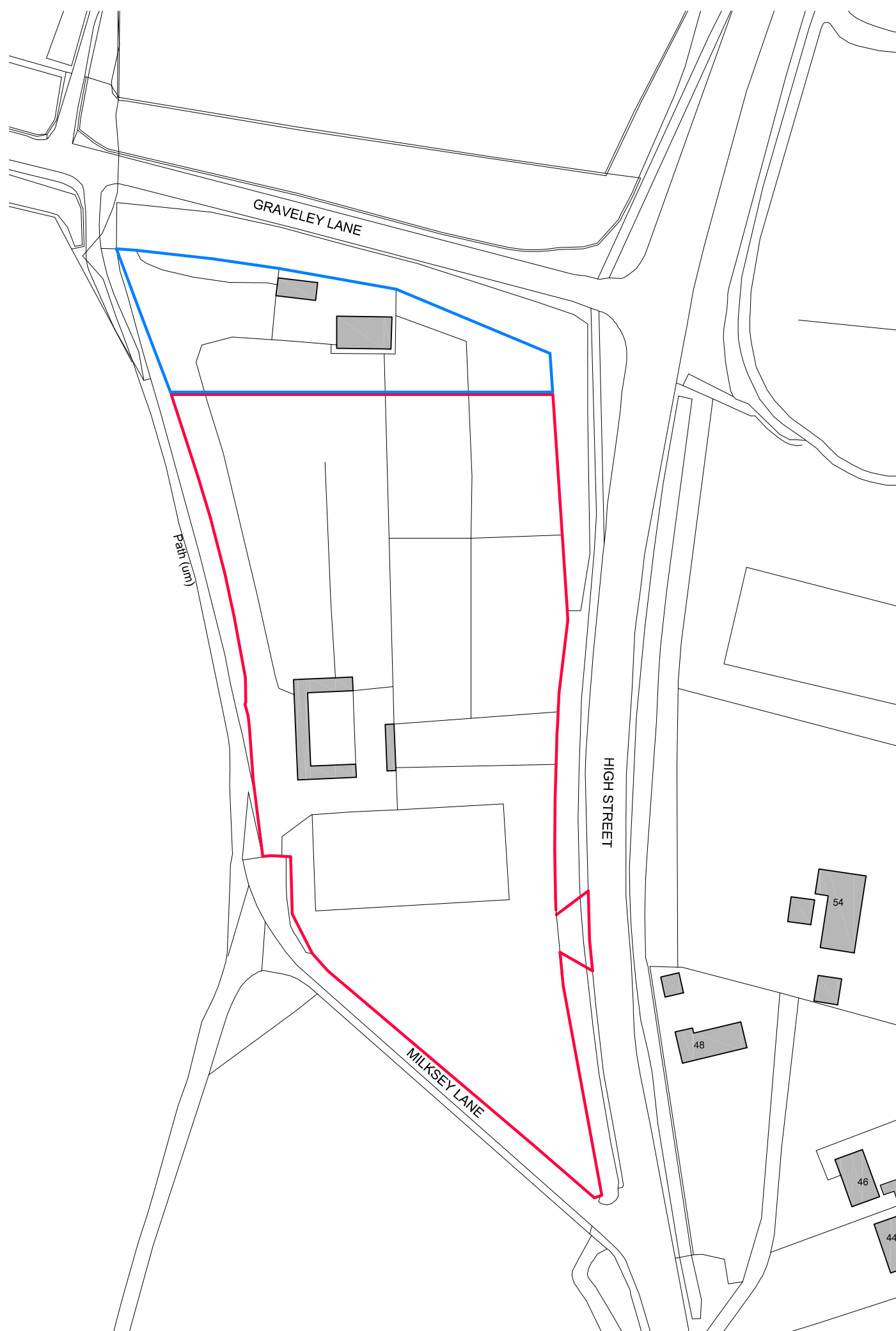
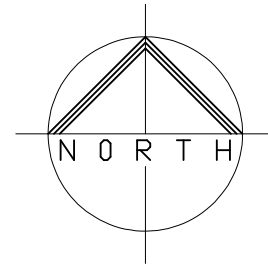
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Metres

LOCATION PLAN 1:1250



RESIDENTIAL DEVELOPMENT
ON LAND AT MILKSEY LANE,
GRAVELEY, HERTS SG4 7LA

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<u>Location:</u>	Land At Heath Road Breachwood Green Hertfordshire SG4 8PL
<u>Applicant:</u>	c/o Agent
<u>Proposal:</u>	Outline planning application for 10 dwellings (all matters reserved except for access)
<u>Ref. No:</u>	22/02942/OP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 02/02/2023

Submitted Plan Nos: PILK2851 221371 00 001; PILK2851 221371 00 100 C; PILK2851 221371 00 101A; PILK2851 221371 00 102A

Extension of statutory period: 30/11/23

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

1.0 **Site History**

- 1.1 There is no directly relevant planning history on this site however the following nearby planning permission is of interest:

17/01207/1: Residential development comprising of 3no.detached 4 bed dwellings, 4no. semi-detached 3 bed dwellings, 2no. terraced 2 bed dwellings and widening of existing vehicular access off of Heath Road. Granted 24.07.17. Completed and known as 'Spinney Gardens'.

2.0 **Relevant Planning Policies**

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

- 2.2
- Policy SP1: Sustainable development in North Hertfordshire
 - Policy SP2: Settlement Hierarchy and Spatial Distribution
 - Policy SP6: Sustainable Transport
 - Policy SP7: Infrastructure requirements and developer contributions
 - 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

Policy KW1: Land west of The Heath, Breachwood Green

2.3 National Planning Policy Framework 2023

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 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

2.4 Supplementary Planning Documents

Vehicle Parking Standards at new development (2011) plus Appendix 4 of the Local Plan. Design Supplementary Planning Document

2.5 Currently there is no Made Neighbourhood Plan for the parish of Kings Walden

3.0 Representations

3.1 Kings Walden Parish Council:

Advises that the Parish Council has a neutral view and would ask that the following matters be taken into account:

- Access for refuse vehicles to be addressed;
- Access to the development to be as wide and clear as possible, as cars will be turning onto an already busy and visually impacted road.
- Provision of a green corridor through the site linking Footpath Kings Walden 008 with Footpath Kings Walden 014 as laid out in the Local Plan.

3.2 Lead Local Flood Authority

Advises 'no objection' subject to conditions being attached to any consent.

3.3 Local Highway Authority

Raises no objections subject to conditions.

The Highway Authority have also requested 'Strand 2' financial contributions towards improving sustainable transport and accessibility measures in the area.

3.4 NHDC Waste Manager

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

3.5 HCC Waste and Minerals team

Requests the imposition of a Site Waste Management Plan condition.

3.6 Hertfordshire County Council Historic Environment Advisor:

Recommends the attachment of standard archaeological conditions.

3.7 NHDC Environmental Heath team:

Air Quality officer – Recommends EV charging infrastructure condition and informative.

Noise and Other nuisances officer – Raises no objections and recommends an informative re construction phase.

Contamination officer - Requests a land contamination condition.

3.8 Hertfordshire County Council Growth & Infrastructure team

Requests financial contributions towards the following services:

- Secondary education
- Library service
- Special Educational Needs and Disabilities
- Youth services.

3.9 Affinity Water:

No response.

3.10 Hertfordshire Ecology

No response

3.11 Site Notice, Press advertisement and Adjoining residents

Comments have been received from four respondents all with neutral views on the proposal. Full comments can be seen on the web site. The comments can be summarised as follows:

- Plan appears sympathetic to local area – no objections.
- Development should include a Biodiversity Net Gain and integrated bat and swift boxes in all buildings.
- Note that the proposal is to maintain FP8 and link it to FP14.
- Concern over traffic generation currently.
- Query timing of survey work.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.2 The application site comprises a rectangular shaped piece of land of approximately 0.6hectares located on the west side of The Heath. To the north the site abuts land now being used as residential gardens by a number of terraced properties facing The Heath. The western boundary of the site abuts public footpath FP08 whilst the southern

boundary abuts the curtilage of a single residential plot known as The Pheasantry. The application site itself is mainly open in character with the site boundaries to the west and south as well as part of the site frontage onto The Heath containing trees and other vegetation. The site is relatively flat with only a slight fall from south west to south east. The site was formerly used as allotments which were cleared on September 2021. The allotments have been re-provided on another site on Coleman Road in the village.

4.3 There is no conservation area in the village however there are nearby listed buildings to the north and south.

4.4 Following the adoption of the Local Plan the village of Breachwood Green is designated a Category 'A' village and the whole of the site falls within the village boundary. The site has been allocated as a housing site (KW1 – Land west of The Heath, Breachwood Green). The site the subject of this application accounts for approximately 75% of the land allocated as KW1 with the northern part (25%) now forming extended gardens to properties fronting The Heath.

4.5 **Proposal**

4.6 This application seeks outline planning permission for the erection of 10 dwellings with only the means of access submitted for approval at this stage. Details of layout, scale, appearance, and landscaping are reserved for a subsequent reserved matters planning application.

4.7 The application form does not specify the types of units or numbers of bedrooms however an illustrative layout plan (22137100 100 Rev C) indicates a mix of semi-detached and detached dwellings could be provided.

4.8 The proposed vehicular and pedestrian access would be from Heath Road along the eastern boundary of the site. This single point of access would comprise a 5.5 metre Wide carriageway with a 2.0m wide footway on the western edge of the access road and a 5-metre grass verge on the eastern side. The carriageway would continue through the centre of the site and terminate with a hammerhead turning area. Full details of the access are shown in a revised Highway Impact statement (drawing no. F21169/01 Rev D).

4.9 The proposal includes a footpath inside the northern boundary of the site providing a link between FP08 to the west of the site to the site frontage which then links with FP014 opposite the site entrance.

4.10 **Key Issues**

4.11 The principle of development

4.12 The site is allocated for housing in the North Hertfordshire Local Plan 2011- 2031 under Policy KW1. Following adoption of the plan the site has been removed from the Green Belt and become part of the Category 'A' village boundary of Breachwood Green. The dwelling estimate given in Policy KW1 is for 16 homes although it should be noted that the site the subject of this planning application accounts for only 75% of the KW1 allocation with a strip of land between the northern boundary of the site and properties fronting The Heath now being used as residential garden extensions to those properties.

4.13 Policy KW1 sets out the following site-specific criteria:

- Appropriate noise monitoring and mitigation measures, to potentially include insulation and appropriate orientation of living spaces, demonstrating WHO and BS8223 standards will be met;
- Re-provision of existing allotments subject to up-to-date assessments of need;
- Sensitive treatment on site frontage to minimise impacts upon setting of nearby Listed buildings on The Heath;
- Reinforce western site boundary to screen views, enhance Green Belt boundary and maintain rural setting of Listed buildings on Brownings Lane; and
- Provision of green corridor through the site linking Footpath Kings Walden 008 with Footpath Kings Walden 014.

4.14 The above criteria will be covered in more detail in this report, however briefly the proposals address the criteria in the following way:

Noise monitoring and mitigation measures

The key sources of noise will be road traffic along Heath Road and aircraft noise. The matter is dealt with in the planning statement.

Re-provision of existing allotments

The allotments were cleared in 2021 and compensatory provision made at a site in Coleman Road 200m from the application site. A summary of the allotment issue is set out in the planning statement and its appendices.

Sensitive site frontage treatment to minimise impact on listed buildings

The illustrative layout demonstrates that the majority of the site frontage, save the necessary access, can be kept free of development and still provide 10 dwellings.

Western boundary enhancement and maintenance of rural setting of listed buildings on Brownings Lane

The landscaping of the site will be dealt with at the reserved matters stage. The illustrative site layout shows that the mature trees along the western boundary can be maintained with a scheme of 10 dwellings

Green corridor through the site linking FP08 to FP014

This provision is indicated in the illustrative layout. Full details can be agreed at the reserved matters stage.

4.15 The proposal is for 10 dwellings which represents a 37.5 % decrease on the dwelling estimate for the site in Policy KW1. That said, only 75% of the allocated site is being developed therefore the actual decrease is 16%. The Footnote 33 to Policy SP2 (Settlement Hierarchy and Spatial Distribution) states:

'The figures shown in this policy for individual settlements are the total of planned, permitted and completed development for the period 2011-2031. These figures are not a target and do not necessarily represent the maximum number of new homes that will be built.'

Even though all of the KW1 allocation is not involved in this proposal I consider that a 16% decrease on the dwelling estimate for 75% of the site is reasonable taking into account the need to maintain an acceptable relationship with The Heath properties and the other constraints set out in Policy KW1.

- 4.16 The Planning Inspectorate's Report on the Examination of the North Hertfordshire Local Plan 2011 – 2031 provides the Inspector's view on the suitability of site KW1 for development. In paragraph 293 of the report the Inspector states:

'Site KW1 in Breachwood Green is in the Green Belt and is expected to yield approximately 16 dwellings. It is an allotment site between homes to the north and new residential development to the south, with the remainder of the village beyond that. Given its size and position in relation to other properties, I concur with the Green Belt Review that it makes a limited contribution to the Green Belt. Policy KW1 requires that the western site boundary be reinforced, and this will help to ensure that impacts on the Green Belt are minimised. The policy also demands the provision of new allotments subject to an assessment of need. That is a critical requirement in justifying this allocation. The Council has put forward MM282 to amend the policy requirement concerning the footpath to ensure that two footpaths in the vicinity are linked. I concur that that is necessary for effectiveness, to ensure a cohesive footpath network.'

- 4.17 In summary on the on the principle of development, it is considered that the proposal would generally be in accordance with the Local Plan including site specific policies contained in Policy KW1 and Policy SP2 with regard to the general location and amount of development.

4.18 Highway matters

- 4.19 The means of access to the site is a detailed matter for consideration with this outline application. The application is supported by a Highway Impact statement and Technical Note Revision A (February 2023). There have been detailed discussions between the Highway Authority (HA) and the applicants highway consultants over matters of detail including the width of the access road, sightlines onto Heath Road, the footpath connection between FP08 and FP014, the need for speed survey and other matters.

- 4.20 The transport technical note has addressed 14 of the points of concern raised by the HA. These are set out in the TN and essentially the applicant has addressed all points raised with revised drawings and information contained within the TN. The outstanding issue of kassel kerbing and shelter upgrades on both sides of Heath Road will be funded out of a sustainable transport contribution (see below).

- 4.21 The TN advises that the proposals would generate 56 two-way daily vehicle movements, with 7 two-way vehicle trips in the AM peak and 6 two way vehicle trips in the PM peak. This traffic generation is not considered to be excessive for this location as a category 'A' village.

- 4.22 The TN confirms that the proposed visibility splay from the access point does not involve third party land and can be achieved within the applicant's ownership. A swept path analysis (drawing no. F21169/02 Rev B) demonstrates that refuse vehicle can enter, turn around and leave the site in forward gear.

- 4.23 In terms of parking at least two parking spaces are provided for each dwelling and 5 visitor spaces are shown on the masterplan, three being provided on the access road which is accepted in Manual for Streets (MfS). This level of provision meets the standards set out in the Council's Parking SPD. Garages can be 7 x 3 m which is sufficient to accommodate cycle and scooter provision.

- 4.24 As a result of negotiations the Highway Authority has removed its initial objections to the scheme and is now satisfied with the revised highway details and has suggested a number of conditions and these are accepted by the applicant. In addition, the Highway Authority has requested Strand 2 sustainable transport contributions in accordance with

Appendix 1 of the Hertfordshire County Council's 'Guide to Developer Infrastructure Contributions' (2021). The contribution is based on strategies and plans set out in HCC's 4th Local Transport Plan (LTP4) within which is identified various sustainable transport and accessibility measures. There is only a limited bus service through the village (Bus No. 88) which provides 5 services in each direction between Luton and Hitchin (Monday to Friday) and 4 services on a Saturday. Measures to increase the accessibility of the site through projects identified by the County Council are supported and would serve to enhance the overall sustainability of the village as a Category 'A' settlement. It is considered that the requested sustainable transport contribution is justified and this has been accepted by the applicant (see planning obligations below).

4.25 As mentioned above a footpath connection inside the northern boundary of the site connecting FP08 to FP014 is indicated on the site layout drawing.

4.26 In conclusion on highway matters it is considered that the proposed development is acceptable in highway safety terms and no objections are raised by the HA. The provision of a footpath connection through the site meets bullet point 5 of Policy KW1.

4.27 Impact on Heritage Assets

4.28 Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impacts on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest possessed. 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.

4.29 In this case, whilst there is no conservation area in the village there are four listed buildings within relatively close proximity to the site - Moss Cottage, Brownings Cottage South Barn at Brownings and Heath Farmhouse (all Grade II).

4.30 Policy KW1 bullet point 4 states: *'Reinforce western site boundary to screen views, enhance Green Belt boundary and maintain rural setting of listed buildings on Brownings Lane'*.

4.31 I assess the impact of the development on the above heritage assets as follows:

4.32 Brownings Cottage: This dwelling is located on Brownings Lane some 140m from the application site. There are agricultural fields and trees in the intervening distance. The cottage forms part of a group of buildings on Brownings Lane. Given the distance of the listed building from the site and other residential development which has been permitted (e.g. Spinney Gardens) the proposed development is not considered to affect its setting.

South Barn: A weatherboarded barn with steep tiled roof set amongst other buildings. There are agricultural fields and trees in the intervening distance. The barn forms part of a group of buildings on Brownings Lane. As with Brownings Cottage, given the distance of the listed building from the site and other residential development which has been permitted (e.g. Spinney Gardens) the proposed development is not considered to affect its setting.

Moss Cottage: A two storey extended property facing The Heath. The property is sited amongst other buildings on The Heath some 70m from the site. There is no physical

relationship between Moss Cottage and the site. Given the distance from the site and screening by other buildings the proposed development is not considered to affect its setting.

Heath Farmhouse: C15th Century Farmhouse sited over 130m from the application site on the east side of The Heath. Given its distance from the site together with screening around it by other buildings and other properties in The Heath, the proposed development is not considered to affect its setting.

- 4.33 With regard to landscaping of the western boundary this would be a matter for consideration at the Reserved Matters stage, nevertheless the submitted layout plan indicates that the existing mature tree screening presently on the western boundary could be retained and supplemented with additional planting with a development of 10 dwellings. At the site frontage it is noted from the layout plan that the development is set well back from the Heath Road boundary with a planted wildlife pond feature next to the access.
- 4.34 Overall, it is considered that the scheme will be compliant with the bullet points 3 & 4 of Policy KW1 in minimising the impacts on the setting of listed buildings on The Heath and maintaining the rural setting of the listed buildings and reinforcing the western boundary.
- 4.35 The site is within an area of archaeological interest as the Historic Environment advisor at Herts County Council has commented that there has been a history of archaeological finds in the area that warrants the imposition of standard archaeological Written Scheme of Investigation conditions and the recommendation includes the conditions requested by the County archaeologist.
- 4.36 Landscape and visual impact
- 4.37 The application is accompanied by a Landscape and Visual Impact Assessment. The document concludes that the application site does not form part of the wider agricultural landscape because of its contained nature and proximity to existing built development within the village. In order to integrate the proposed development into the landscape the LVIA recommends several planting measures and the use of appropriate materials on new buildings. The LVIA concludes that whilst the proposed development will change the character of the site itself the proposed scheme is of a type, design, colour, scale, height, mass and footprint that are comparable and compatible with the adjacent residential context and will not affect the wider character of the area. The LVIA states:

Overall, the scale and degree of change on part of the landscape would be recognised but small and limited to the Site itself, which is contained by existing housing and local features, distinct from the wider landscape to the east or west. Accordingly, the overall significance of the landscape effect with regard to the proposed scheme on land at Heath Road, Breachwood Green (the Site) has been assessed to represent a Slight Adverse Effect on the character of the local area. Once an appropriate landscape management scheme has established the significance of the landscape effects in the longer term are considered to represent a Slight Adverse to Negligible Effect to the landscape resource and landscape character'

In terms of visual effects, the LVIA concludes:

'...it has been assessed that users of the nearby Heath Road will experience the most apparent effect on views and visual amenity both during construction and immediately following implementation when drivers, cyclists and walkers are particularly close to the Site, albeit seen in the context of an area which has many other residential properties; however, the effects reduce with distance.'

4.38 I would agree with the conclusions in the submitted LVIA that the proposal would be unlikely to have any significant effect on the landscape character of the area and that the visual impact on the development as experienced by people living close to and moving past the site would be in the range of moderate to negligible effect. Given the allocation of the site for housing in the local plan these effects would be expected. Overall it is considered that the proposals would comply with Policy KW1 and NE2 of the Local Plan.

4.39 Environmental matters

4.40 The site is located within Flood Risk Zone 1 which is considered to be at very low risk to fluvial and surface water flooding. A Flood Risk assessment (FRA) (revised 3/3/23) has been submitted as part of the application. The 2016 North Hertfordshire District Council Strategic Flood Risk Assessment (SFRA) and North Hertfordshire Surface Water Management Plan (SWMP) show that there has not been any historic flooding on Heath Road.

4.41 The FRA sets out the possible measures to manage surface water run-off in accordance with SuDS (Sustainable Urban Drainage Systems) principles. The main feature proposed is an attenuation pond located at the south east corner of the site and shown on the site layout drawing. A Management and Maintenance Plan to ensure the longevity of the surface water scheme is set out in the FRA.

4.42 The LLFA, following initial concerns, has now removed its objection to the proposals and has recommended a series of planning conditions.

4.43 The application is supported by a Preliminary Ecological Appraisal (PEA). The site is not a designated local wildlife site and there are no statutory wildlife designations nearby. The PEA advises that There are no recorded important or protected species or species groups from within the application site, however because of the presence of suitable habitat within the application site, it has been concluded that a number of protected species may potentially be impacted by the redevelopment proposals; nesting birds, hedgehogs, polecats and roosting bats. Further survey work in the case of roosting bats will be required with regard to the two ash trees and mitigation measures are recommended for other species.

4.44 The PEA also sets out the position with regard to the development achieving Biodiversity Net Gain. A biodiversity net gain calculation has been made of the applications site's baseline habitats using the Biodiversity Metric 3.0 – July 2021. The baseline area habitats are worth 1.9 Habitat Units and the baseline Hedgerow Habitats are worth 1.55 Habitat Units. In August 2022, an indicative site layout was provided and the biodiversity net gain for the site calculated. The retention of some habitats and the creation of new ones mean the proposed redevelopment is calculated to provide a +11.7% Biodiversity Net Gain in Habitat Units and a +23.7% Biodiversity Net Gain in Hedgerow Units. As such, the proposed development is considered to meet the requirements of The NPPF and Policy NE4 of the Local Plan.

4.45 Policy KW1 requires the development to include appropriate noise monitoring and mitigation measures. The submitted Planning Statement advises that:

'The proposed dwellings would also be set back, orientated away, and screened from the main road and agricultural field to the west, which are the main noise sources in the area. Noise mitigation measures would be provided at reserved matters stage once the detailed design of the development is known. However, it is considered that thermal double glazing and hit and miss trickle vents are standard mitigation measures which can be incorporated into the design.'

- 4.46 The other noise source is aircraft noise in association with Luton Airport. This is not mentioned in the planning statement however the site is within the village boundary within which general development will be permitted according to Policy SP2 and there have been other residential developments approved in the village (e.g. Spinney Gardens) where noise was not considered an insurmountable issue. Given the outline nature of the scheme where the design and orientation of the proposed dwellings is not known at this stage it is considered appropriate that noise mitigations measures should be provided to and considered by the Local Authority upon the submission of a Reserved Matters application. This will deal more fully with bullet point 1 as set out in Policy KW1.
- 4.47 Matters concerning land contamination and air quality can all be dealt with by planning conditions and/or informatives.
- 4.48 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, 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.
- 4.49 Living conditions
- 4.50 The submitted LVIA and planning statement assesses the impact of the proposed development upon visual amenity and views. Residents to the north at The Heath mainly face towards the north western part of the site across a significant belt of garden / allotment land. Whilst most of the development is likely to be two storeys given the angle of view and the intervening garden land it is not considered that there would be any significant loss of amenity to those existing properties. The property to the south (The Pheasantry) perhaps has a closer relationship with the development site and therefore boundary treatment and proximity of development to the southern boundary will need to be carefully assessed. All matters that relate to the effect upon the living conditions of occupiers of neighbouring dwellings, such as loss of outlook, privacy, daylight and sunlight, will be considered at the reserved matters stage, when approval of scale, landscaping and layout will be determined. However, in view of the separation of the properties to the north from the application site and existing boundary landscaping along the southern boundary together with an illustration of how the development could be set out as shown on the proposed site plan, there is no reason to believe that the effect upon the residential amenities of occupiers of nearby residential properties would not be able to be satisfactorily addressed. Therefore, it is considered that the proposal would comply with Local Plan Policy D3, which permits proposals that do not cause unacceptable harm to living conditions.
- 4.51 Allotments

- 4.52 Bullet point 2 of Policy KW1 requires the re-provision of existing allotments. However, the allotments are no longer on the application site having been cleared in September 2021 and allotment holders offered plots on an alternative site in Coleman Road also owned by the applicant. The planning statement states:

'There were 7 allotment holders occupying 10 plots at the application site, and only 2 allotment holders decided to relocate to the allotments on Colemans Road (Appendix 2). Those seeking to relocate have been accommodated. It should be noted that there were 3 vacant allotments at the application site, with 2 allotments currently available on Colemans Road (Appendix 3). It is not therefore considered that there is a demand for allotments within the area'

The conclusion is that the allotments have been re-provided in compliance with housing allocation KW1.

4.53 Planning Obligations

- 4.54 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 planning obligations can legitimately be sought. The development proposal falls below the 11-unit threshold for requiring affordable housing as set out in Policy HS2 of the Local Plan.

- 4.55 The applicant has agreed the following financial contributions:

Element	Detail and Justification
HCC Highways (Sustainable Transport)	Contribution of £68,260 index linked. Policy SP7 'Infrastructure requirements and developer contributions'. Hertfordshire County Council 'Guide to Developer Infrastructure Contributions' (October 2022).
Management Scheme - Landscaping, wildlife pond, SUDs and footpath maintenance and management arrangements	Scheme of provision, adoption and management. of proposed footpath link, wildlife pond, landscaped areas and drainage infrastructure. Policy SP7 'Infrastructure requirements and developer contributions'. Developer Contributions SPD.
Waste Collection & Recycling (NHDC)	Contribution of £710 (before indexation) based on NHDC Planning Obligations SPD (@ £71.00 per dwelling). Policy SP7 'Infrastructure requirements and developer contributions'. Developer Contributions SPD.

Secondary Education (Hertfordshire County Council)	Secondary Education contribution towards the expansion of Katherine Warington School, Harpenden and/or provision serving the development (£106,053 index linked to BCIS 1Q2022).
Library Service (Hertfordshire County Council)	Library Service towards increasing the capacity of community spaces in Hitchin. Library and/or provision serving the development (£2,231 index linked to BCIS 1Q2022).
Youth service (Hertfordshire County Council)	Youth Service contribution towards increasing capacity by sourcing a new exclusive or shared. use young people's centre serving Hitchin and the surrounding area and/or provision. serving the development. (£2,567 index linked to BCIS 1Q2022).
Special Education Needs and Disabilities	Special Educational Needs and Disabilities (SEND) contribution towards the new Severe. Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£14,058 index linked to BCIS 1Q202).
Monitoring Fees (HCC)	Towards the County Council's reasonable and proper administrative costs of monitoring compliance with the provision in the legal agreement. Fees based on a charge of £340.00 per trigger in S106 Agreement.

4.56 Planning Balance

- 4.57 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 10 dwellings which is a modest number in terms of the overall number being delivered through the Local Plan. However, it is an allocated housing site in the Local Plan and will therefore assist in meeting the district's housing needs. Significant weight can be attached to the delivery of housing.
- 4.58 The proposal would provide a net biodiversity gain and moderate weight can be attached to this enhancement.
- 4.59 The proposal would provide a range of economic benefits including through construction and related services employment and additional spending in the local economy. However, given the modest scale of the proposal and that these benefits would apply to any new housing in most locations, limited weight has been given to this benefit.

4.60 There would be no harm to the setting of nearby listed buildings. Archaeological assets can be protected by appropriate archaeological conditions. This issue is neutral in the planning balance.

4.61 The proposal is subject to a number of financial contributions to mitigate against the impact of the development. Limited weight can be attached to these benefits.

4.62 The proposal will result in some environmental disruption and harm during the construction process but this will be short term. Additional traffic will be generated which will add to congestion during peak periods however the submitted transport impact assessment demonstrates that additional traffic levels will be low and the submitted Road Safety Audit does not identify any serious road safety issues that cannot be mitigated by Section 278 highway works. These harms attract only limited weight in the planning balance.

4.63 There are no significant environmental harms that can be demonstrated and that cannot be mitigated by planning conditions. Overall, I consider that the benefits of housing provision outweigh any very limited environmental harms identified and in the absence of any sound or clear-cut reasons to refuse development the recommendation is that planning permission should be granted subject to the recommendation set out below.

4.64 **Conclusion**

4.65 The site is allocated for housing in the adopted Local Plan and the proposed development is considered acceptable in planning terms.

4.66 **Alternative Options**

None applicable.

4.67 **Pre-Commencement Conditions**

I can confirm that the applicant agrees to 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:

A) the completion of a satisfactory S106 Legal Agreement, and the applicant agreeing to extend the statutory period in order to complete the agreement if required;

B) and the following conditions:

1. Before the development hereby permitted is commenced, approval of the details of the siting, design and external appearance of the development, the means of access

thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

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

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

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

3. Prior to the commencement of development, in accordance with the submitted Flood Risk Assessment and Drainage Strategy v0.4 (RAB: 2843_FRD), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed upon with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

1. Surface water runoff rates will be attenuated to 0.9 l/s as stated within section 5.4 of the FRA and Drainage Strategy
2. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP event plus climate change allowance and 1% annual probability rainfall event plus climate change allowance). A minimum storage volume of 226m³ will be provided in line with section 5.4.1 of the submitted FRA and Drainage Strategy.
3. Detailed designs, network modelling calculations and plans of the of the drainage conveyance network in the:
 - a. 3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site.
 - b. 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
4. The design of the attenuation basin will incorporate an emergency spillway and any drainage structures will include the appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event.
5. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
6. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
7. A maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development.
8. Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases

- have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris, and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with the approved method statement unless alternative measures have been subsequently approved by the Planning Authority
9. Prior to the occupation of the first unit, details shall be provided in respect to the management, inspection, and maintenance of any non-adopted drainage features. The details shall identify the responsible parties and set out how these will be funded and managed and provide a schedule of the proposed inspections and annual maintenance for the lifetime of the development. The plan shall be submitted to and approved in writing with the Local Planning Authority prior to first occupation and the development shall thereafter be maintained at all times in accordance with the approved details.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169, and 174 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development. To comply with Policies NE7 and NE8 of the North Herts Local Plan 2011 - 2031

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

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permission and to comply with Policy HE4 of the North Hertfordshire Local Plan 2011-2031.

5. No development shall commence until full details (in the form of scaled plans and / or

written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following on-site arrangements:

- i. roads, foot/cycleways;
- ii. foul and surface water drainage;
- iii. visibility splays;
- iv. access arrangements;
- v. parking provision in accordance with adopted standard;
- vi. loading areas;
- vii. turning areas.

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

6. Vehicular access shall be completed and thereafter retained as shown on drawing number F21169/01-D 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.

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).

7. (Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the offsite works include but are not limited to: -- Provision of kassel kerbing and shelter upgrades on both sides of Heath Road along with the dropped kerbs and tactile paving for facilitating safe footway crossover (near property 28) as developer contributions.

(Part B) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

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

8. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number F21169/01-D. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

9. A) Design Approval Notwithstanding the details indicated on the submitted drawings no on-site works above slab level* shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

B) Implementation / Construction Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.- The proposed green corridor, linking Kings Walden 008 footpath with Kings Walden 014 footpath must be clearly shown on the proposals plan delivered and permanently retained.

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

10. 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 Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

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

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

12. (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.

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. To comply with Policy NE11 of the Local Plan

13. No development shall take place before a scheme of noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved prior to the occupation of any residential dwellings and the scheme of measures shall be maintained in accordance with the approved details.

Reason: To protect the residential amenity of future occupants in accordance with the aims of Policy D3 of the North Hertfordshire Local Plan 2011-2031.

14. Prior to the commencement of works above ground, a pre-construction energy and sustainability statement shall be submitted and to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved measures, which shall be retained thereafter.

Reason: To ensure that the development is energy efficient and minimises carbon emissions in accordance with policies SP9 and D1 of the North Hertfordshire Local Plan 2011-2031.

15. No development shall take place above ground level until details of a scheme for the provision of fire hydrants (if required by the Fire and Rescue Service) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter. The provision and installation of fire hydrants shall be at no cost to the County Council

or Fire and Rescue Service.

Reason: To ensure all proposed dwelling have adequate water supplies in the event of an emergency.

16. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

17. The development shall be carried out in accordance with the recommendations and mitigation measures set out in the submitted Preliminary Ecological Appraisal by ELMAW Consulting (dated September 2022).

Reason: To ensure protection for protected species and to ensure a Biodiversity Net Gain in accordance with the NPPF and Policy NE4 of the North Herts Local Plan 2011 – 2031.

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:

Highway Informatives:

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

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

or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked

(fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

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

or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <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.

AN6) 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 a 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>.

Environmental Health Informatives:

Construction:

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.

During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

EV charging:

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.

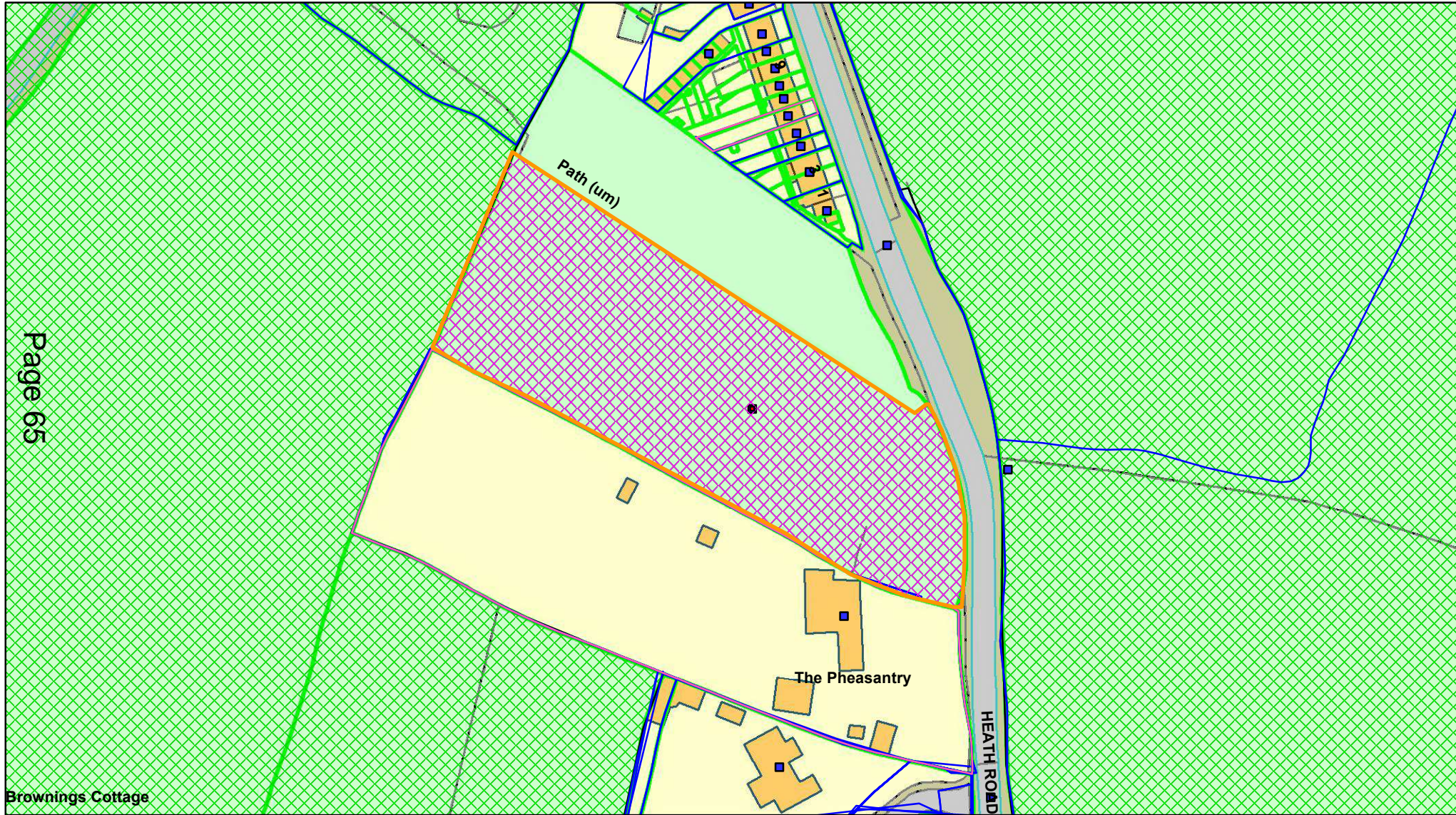
Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- 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 has issued 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 legislation.

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

22/02942/OP Land at Heath Road, Breachwood Green, Hertfordshire, SG4 8PL



Page 65

Brownings Cottage

The Pheasantry

HEATH ROAD

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<u>Location:</u>	Coker Cottage Ashwell Road Newnham Baldock Hertfordshire SG7 5JX
<u>Applicant:</u>	Mrs Linda Price
<u>Proposal:</u>	Erection of one detached 4-bed dwelling with integral garage and creation of vehicular access off Ashwell Road (as amended by plans received 23/10/2023).
<u>Ref. No:</u>	23/01807/FP
<u>Officer:</u>	Alex Howard

Date of expiry of statutory period: 11th October 2023

Extension of statutory period: 23rd November 2023

Reason for Delay: In order to present the application to an available committee meeting.

Reason for Referral to Committee: In accordance with the Councils constitution:

“The Planning Control Committee shall determine:

(c) any other planning application, application for advertisement consent, listed building consent or conservation area consent where:

(i) a statutory consultee has submitted a written opinion contrary to the recommendation of the Service Director: Regulatory and which is a valid material planning consideration in the opinion of the Service Director: Regulatory;”

The recommendation is contrary to that of the Highway Authority, with details of such outlined in this report.

1.0 **Site History**

1.1 Pre-application advice has been sought on this site for new dwelling schemes.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP6: Sustainable Transport

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP11: Natural Resources and Sustainability

Policy SP12: Green Infrastructure, Landscapes and Biodiversity

Policy SP13: Historic Environment
Policy T1: Assessment of Transport Matters
Policy T2: Parking
Policy CGB1: Rural Areas beyond the Green Belt
Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
Policy D4: Air Quality
Policy NE4: Biodiversity and Geological Sites
Policy HE1: Designated Heritage Assets
Policy HE3: Non-designated heritage assets
Policy HE4: Archaeology

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

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable development
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

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – None received.

3.2 **Hertfordshire Highways** – *“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 recommends that permission be refused for the following reasons:*

The application has failed to provide detailed information for the HA to make an informed decision”.

Further reading and consideration of this consultation response from Highways found that further technical detail/information was required concerning visibility sight lines, pedestrian visibility splays and footways along Ashwell Road. The Highway Authority agreed to the following wording for a pre-commencement condition which would remove the objection:

“No access development shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access and its connectivity with Ashwell Road and associated highway works concerning the visibility sight lines, pedestrian visibility splays and footways along Ashwell Road. These works shall be carried out in accordance with the approved Plan and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed prior to the first occupation/use of the development hereby permitted.

Reason: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users”.

I agree that visibility sight lines and pedestrian visibility splays need to be demonstrated as per the above condition. However, I do not agree that the applicant should introduce a 2.4m wide footway along the site's frontage, with my reasons for such expressed in section 4.3.30 of this report. Therefore, my recommendation is that planning permission be granted subject to the above pre-commencement condition, with omission of the 2.4m footway element. Suitable wording of such a condition is advised as follows:

"No access development shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, which show the detailed engineering designs and construction of the vehicle access and its connectivity with Ashwell Road and associated highway works concerning the visibility sight lines and pedestrian visibility splays. These works shall be carried out in accordance with the approved Plan, constructed to the approved specification and completed prior to the first occupation/use of the development hereby permitted."

Reason: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users".

- 3.3 **Caldecote and Newnham Parish Council** – None received.
- 3.4 **Environmental Health (Air Quality)** – No objection subject to condition.
- 3.5 **Environmental Health (Land Contamination)** – No objection subject to condition.
- 3.6 **Environmental Health (Noise)** – No objection subject to informatives.
- 3.7 **Archaeological Implications** – No response received. However, the agent has agreed to a pre-commencement condition seeing as other applications for new dwellings in Newnham have been subject to this condition.
- 3.8 **Waste and Recycling** – No objection subject to general guidance.
- 3.9 **Conservation Officer** – The Conservation Officer gave detailed guidance on the suitability of development during pre-application submissions. Within this application, subject to the receipt of amended plans, no objections were raised subject to conditions.
- 4.0 **Planning Considerations**
- 4.1 **Site and Surroundings**
- 4.1.1 The site is part of the large rear garden of Coker Cottage, which is a detached dwelling located on the east side of Ashwell Road, Newnham. Coker Cottage is a Building of Local Interest (BLI) and is orientated such that the side gable faces onto Ashwell Road. The site is currently accessed from Ashwell Road at the north part of the site, with a driveway and double garage. The site is within the Newnham Conservation Area and the Rural Area beyond the Green Belt (RAGB) as allocated in the Local Plan. Newnham is designated as a 'Category B' settlement in the Local Plan.
- 4.2 **Proposal**
- 4.2.1 Planning permission is sought for the erection of one detached 4-bed dwelling with integral garage and the creation of vehicular access off Ashwell Road (as amended by plans received 23/10/2023). The dwelling would be part two storey, with the residual part being 1½ storey and garage wing at single storey. The dwelling would be centrally

located on the plot with generous spacing to the front and rear for a driveway and private amenity space.

4.2.2 The application is supported by the following documents:

- Plans and Elevations:
LD665-P01A Site Location and Block Plan, AMENDED LD665 P02A P03A P04A - Proposed Floor Plans and Elevations (received 23/09/2023), LD665-P05 Proposed Rear Elevation, LD665-P06 Proposed Side Elevations, LD665-P07 Vehicular Access
- Planning, Design and Access, Heritage Statement.

4.3 Key Issues

4.3.1 The key issues for consideration are the

- The Principle of Development
- The Impact on Designated Heritage Assets
- Sustainability
- The Design and its Impact on the Character of the Area
- The Impact on Neighbouring Dwellings/Future Occupiers
- Landscaping and Ecology
- Highways, Access, and Parking
- Other Matters.

Principle of Development

4.3.2 Newnham is designated as a Category B settlement within Policy SP2 of the Local Plan where *“infilling development which does not extend the built core of the village will be allowed”*. Newnham does not have a defined settlement boundary and is therefore designated as Rural Area beyond the Green Belt in the Local Plan, where there is a general presumption against development. However, Policy CGB1 of the Local Plan sets out when development in the Rural Area beyond the Green Belt will be allowed, stating that permission will be granted for *“infilling development which does not extend within the built core of a Category B village”*.

4.3.3 It is considered that although the application site is the extended garden of the host dwelling Coker Cottage, the village of Newnham is verdant and open in nature, which must be maintained in accordance with the aforementioned policies. Newnham does not have a defined settlement boundary in the adopted Local Plan; therefore, it is necessary to consider whether this site is within the built core of the settlement. In my opinion, due to the small size of this settlement and the central location/ close proximity of the site to other residential properties, the proposed development is within the ‘built core’ of Newnham. Moreover, a dwelling in this location would be between the host dwelling, Coker Cottage, and Rose Cottages, whilst also following the loose established west to east building line currently made up of Rose Cottages, Coker Cottage, The Old Post Office, Crouches and New Cottage. For this reason, the proposal would be classed as small infill development which will not extend the built core of the settlement, which is considered compliant with Policies SP2 and CGB1 in their entirety. This should be given significant weight in the planning balance.

4.3.4 National and local planning policies seek to increase housing densities where appropriate, as far as this is consistent with the principles of good design and place making.

- 4.3.5 In conclusion on this matter, it is considered that there is no objection to the principle of development in this instance, in accordance with Policies SP2 and CGB1 of the Local Plan.

Impact on Designated Heritage Assets

- 4.3.6 The site is within the Newnham Conservation Area and is immediately adjacent to three Grade II listed buildings, Thatch End, Old Thatch and Pilgrim's Cottage. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers, in conservation areas "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*". In addition, Section 66(1) requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting. Furthermore, the host dwelling, Coker Cottage, is an unlisted Building of Local Interest (BLI) described as follows:

"Eighteenth century, two-storey cottage with rendered walls and pan-tile roof. The building is situated gable end onto the road with two jetty gables on the side elevation as seen in the photograph below.

Reason for inclusion: Building of local architectural and historic interest, which performs a streetscape function being gable end onto the road."

- 4.3.7 As such, the Council's Conservation Officer was consulted on the proposed development as he was involved in pre-application discussions on this site. Formal comments were received on the 18th October 2023 concluding with the following:

"Await feedback regarding i) highways comment, ii) tree survey, iii) right-hand front dormer window and iv) eaves height of garage element, before offering a recommendation.

I am likely to conclude that a well-designed single, modest-sized dwelling (which this is considered generally to be) with a single access solution is feasible without occasioning undue harm to the character or appearance of the NCA (subject to the outcome of the matters raised)".

- 4.3.8 The highway issues are to be discussed in more detail later in this report and the lack of a tree survey is to be remedied by the imposition of a landscaping scheme pre-commencement and tree protection condition. The matters concerning the right-hand front dormer window and the eaves height of the garage have been considered by the applicant's agent, who submitted amended plans to overcome these concerns on the 23 October 2023. Upon receipt of these amended plans, the following comment was received from the Conservation Officer:

"On balance, I conclude that the proposed dwelling or the associated access works would not occasion harm to the setting of nearby listed buildings or to the character or appearance of the NCA. Thus, I raise NO OBJECTION on the basis that the proposal will satisfy the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

1. *A sample of the red clay plain roof tile shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the roofing works. Thereafter, tiles matching the approved sample shall be used to cover the roof of the dwelling hereby approved.*

Reason: To ensure that special regard is paid to the special character of the Newnham Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

2. *The eaves of the new dwelling shall remain 'open' (expose rafter feet) unless otherwise agreed and approved in writing by the Local Planning Authority.*

Reason: To ensure adherence to the approved plans and that special regard is paid to the special character of the Newnham Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

3. *Metric scale section details of all new windows (including glazing bar profile and glazing system) shall be submitted to and approved in writing by the Local Planning Authority prior to the manufacture and installation of these windows. Thereafter, the new windows shall be installed in accordance with the approved details.*

Reason: To ensure that special regard is paid to the special character of the Newnham Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

4. *Full details of the front roof light shall be submitted to and approved in writing by the Local Planning Authority prior to the manufacture and installation of the roof light. Thereafter, the roof light shall be installed in accordance with the approved details.*

Reason: To ensure that special regard is paid to the special character of the Newnham Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

5. *Details of the garage doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. Thereafter, the garage doors shall be installed in accordance with the approved details.*

Reason: To ensure that special regard is paid to the special character of the Newnham Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031".

- 4.3.9 As such, in line with the above and subject to the conditions, the Conservation Officer states that the proposed development would not result in material harm to the character and appearance of the Newnham Conservation Area or the setting of nearby listed buildings, as designated heritage assets. Furthermore, it is considered that the proposed dwelling would not result in material harm to the significance of Coker Cottage BLI, as a non-designated heritage asset. The proposal would not lead to less than substantial harm to the heritage significance of the nearby listed buildings and the Conservation Area, so it is not necessary to apply the test set out in paragraph 202 of the Framework which required in such cases that the harm should be weighed against the public benefits of the proposal.

4.3.10 Therefore, the proposal is considered acceptable in respect of its impact upon heritage assets, in accordance with Policies HE1 and HE3 of the Local Plan and Section 16 of the NPPF.

Sustainability

4.3.11 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.

4.3.12 Firstly, in terms of the economic objective, the proposed development would see the delivery of jobs during the build/construction phase which is a modest benefit.

4.3.13 Secondly, in terms of the social objective, this would add an additional dwelling to the districts housing figures which could be delivered in a relatively short space of time, which is a modest benefit.

4.3.14 Lastly, in terms of the environmental objective, it is acknowledged that future occupiers of this proposal would be reliant on private vehicles for the majority of their needs. There is a single bus stop in Newnham which could be utilised to use services in nearby Ashwell and Baldock. That said, the LPA have designated this settlement as a Category B village, which allows for limited infill development. Moreover, the proposal does incorporate sustainable building features, such as an EV charging point. The proposed dwelling would be facilitated by creating a gap in the existing mature hedgerow which fronts Ashwell Road, which is as small as it can be to comply with highway regulations and the rest of the hedge is to be retained. The site benefits from a fair amount of boundary trees/hedging and protection of these and details of retained/new landscaping are to be secured via an agreed landscaping pre-commencement/landscape protection condition. Moreover, it is considered appropriate to request that the scheme will incorporate bat and bird boxes. Overall, these environmental benefits are deemed appropriate relative to the scale of development proposed.

4.3.15 As such, it is considered that the proposal accords with the three pillars of sustainability, which should be given some weight in the planning balance.

The Design and its Impact on the Character of the Area

4.3.16 Policy D1 of the Local Plan states that planning permission will be granted for development proposals that respond positively to the sites local context and create or enhance the public realm. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. This is echoed in Section 12 of the NPPF.

4.3.17 The dwelling has been designed as a part two/part one ½ storey dwelling with a single storey attached garage element. The dwelling exhibits traditional features, including a chimney, timber framed porch, and a brickwork plinth. The dwelling would be finished in an off-white render on a red brick plinth for the external walls, red plain clay tiles to the roof, and cottage style timber painted windows/doors. Details of the roof tiles, windows and garage doors would be controlled via condition from the Conservation Officer. The scale and position of the proposed dwelling is such that it will be somewhat visible over the existing mature hedgerow that fronts Ashwell Road and through the gap in this hedgerow that will need to be created for access.

4.3.18 In design terms, the proposed dwelling is considered acceptable in my view, because it has been designed with traditional features and materials that reflect the rural setting of

Newham. The dwelling would not appear out of place in the locality and has the support of the Conservation Officer, subject to conditions covering specific matters. Whilst the building would be somewhat visible from Ashwell Road over the hedgerow and through the access gap, this is not considered to be detrimental to the character of the area, seeing as the majority of the hedgerow is to be retained which will screen most of the property from view in the street scene.

- 4.3.19 The proposed development is therefore considered to respond positively to local context, in accordance with Policies SP9 and D1 of the Local Plan.

The Impact on Neighbouring Dwellings/Future Occupiers

- 4.3.20 Policy D1 of the Local Plan states that, amongst other things, development proposals should meet or exceed the nationally described space standards. Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. These considerations are echoed within Section 12 of the NPPF.
- 4.3.21 It is accepted that the proposed development will have some impact upon the outlook and amenities of neighbouring dwellings, due to its scale and nature as built form on a site where there is currently no existing. This is compounded by the gap that will need to be made in the hedgerow for the access. This dwelling will be most noticeable from the host dwelling, Coker Cottage, and the two Grade II listed buildings opposite the site, namely Thatch End and Old Thatch.
- 4.3.22 However, the dwelling has been positioned so that it is set back from Ashwell Road by approx. 13.0m and is approx. 25.0m from the dwelling opposite, which is Thatch End. Whilst outlook would be impacted, the proposal would not result in an overbearing impact upon this immediate neighbour, especially when factoring in the retained hedgerow. In this respect, the distances from the proposal to Old Thatch and Coker Cottage are even greater, so it is considered that there will not be an overbearing impact as a result. The first-floor windows would serve two bedrooms and the rooflight would serve a landing. In my view, given the above distances, there would not be any adverse levels of overlooking towards the neighbour opposite and it would be unreasonable to require the use of obscure glazing. Lastly, given the spacious nature of the plot and the distance between the dwelling and its immediate neighbours, the proposal should not give rise to any adverse loss of daylight/sunlight.
- 4.3.23 The proposed dwelling at 198 sqm would exceed the minimum nationally described space standards for a 4 bedroom/8-person property (127 sqm), would have sizable rear private amenity space, and would see all habitable rooms achieve suitable levels of natural light. It is therefore my view that the proposal would not result in any harm to the reasonable living conditions and well-being of future occupiers.
- 4.3.24 As such, the scheme will not give rise to any materially adverse impacts upon the reasonable living conditions and well-being of neighbouring properties. This is in accordance with Policies D1 and D3 of the Local Plan.

4.3.25 As stated, the detailed landscaping matters will be the subject of a landscaping scheme pre-commencement condition, which will consider which trees/hedgerows are to be retained and where new planting will be proposed to deliver measurable gains in biodiversity. This condition will also cover the boundary treatments that will subdivide the host and proposed properties gardens. Notwithstanding the above, a separate condition will be enforced that seeks to assure that following the removal of part of the hedgerow for the access, the remaining hedgerow fronting Ashwell Road is retained. Moreover, the scheme will incorporate bat and bird boxes to account for any local populations. Moreover, with respect to landscaping and ecology, this proposal is a 'small site' for the purposes of Biodiversity Net Gain (BNG), which does not come into force until April 2024. Therefore, the scheme does not need to provide a BNG of 10%. Instead, given the scale of development proposed, the suitably worded pre-commencement condition that covers a landscaping scheme, including the retention and provision of new landscaping where appropriate, would deliver net gains in biodiversity.

4.3.26 As such, I have no objection to the landscaping and ecology matters under this application, in accordance with Policy NE4 of the Local Plan.

Highways, Access, and Parking

4.3.27 The Hertfordshire Highway Authority raised a number of concerns on this proposal in their formal comment dated 7th September 2023. Reading through the Highway Authorities' response, the concerns can be summarised as the following:

Requirement to submit detailed technical plans that show detailed engineering designs and construction of the vehicle access and its connectivity with Ashwell Road and associated highway works concerning the visibility sight lines, pedestrian visibility splays and footways along Ashwell Road.

4.3.28 Through dialogue with the Highway Authority, the officer provided wording for a suitable pre-commencement condition to cover the submission of the aforementioned details prior to the commencement of development. The wording of this condition is as follows:

"No access development shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access and its connectivity with Ashwell Road and associated highway works concerning the visibility sight lines, pedestrian visibility splays and footways along Ashwell Road. These works shall be carried out in accordance with the approved Plan and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed prior to the first occupation/use of the development hereby permitted."

Reason: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users".

4.3.29 Whilst I am in support of the matters pertaining to the submission of more detailed information to cover visibility sight lines and pedestrian visibility splays, I do not support the requirement from Highways for the applicant to incorporate a 2.4m wide footway across the site's frontage. A 2.4m wide footway in this rural location would be completely at odds with the rural character and appearance of the area, introducing an urbanising development into a traditional setting. This is contrary to Policies SP9 and D1 of the Local Plan. The current footpath on this side of Ashwell Road is narrow, but this is common in rural locations such as this and does not mean that a 2.4m footway is required in my view. The additional footfall that would be caused by this single proposed dwelling, is not significant enough to warrant the introduction of an overly wide, urban footway in

my opinion. In my view, not incorporating this 2.4m footway into the proposal will not result in a development that will cause a detrimental impact on the highway network.

- 4.3.30 For these reasons, this proposal is recommended for approval subject to the above-mentioned condition, with the omission of the 2.4m footway element, contrary to the formal view of the Highway Authority. Suitable wording of such a condition is advised as follows:

“No access development shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, which show the detailed engineering designs and construction of the vehicle access and its connectivity with Ashwell Road and associated highway works concerning the visibility sight lines and pedestrian visibility splays. These works shall be carried out in accordance with the approved Plan, constructed to the approved specification and completed prior to the first occupation/use of the development hereby permitted.

Reason: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users”.

- 4.3.31 The proposed development would benefit from a sizable front driveway for the parking of at least 3 vehicles and would incorporate 2 internal garage spaces. This exceeds that required under Policy T2 of the Local Plan and the Vehicle Parking at New Developments SPD. As such, the scheme is considered acceptable in this respect.

Other Matters

- 4.3.32 The proposed dwelling has shown an area next to the property for the storage of bins, such that wheeling them out on collection day will be straight forward. Moreover, the property would benefit from a sizable double garage, which could be used for the storage of bicycles. This is considered acceptable in my view.

4.4 Conclusion

- 4.4.1 The site is located within a Category B village and Rural Area beyond the Green Belt within the Local Plans, where infill development that does not extend the built core of a village is acceptable. This proposal is considered to be an infill plot and is within the built core of the village, in accordance with Policies SP2 and CGB1 of the Local Plan. This should be given significant weight.

The settlement has suitable services to accommodate limited growth and increased housing numbers, evidenced by its designation as a Category B village. The proposal would be a modest addition to the district’s housing land supply and have limited social/economic benefits locally, which should be afforded moderate weight.

Through consultation with the agent, the design of the scheme has been amended such that in the view of the Conservation Officer, the proposed dwelling or the associated access works would not occasion harm to the setting of nearby listed buildings or to the character or appearance of the Newnham Conservation Area, subject to conditions. Moreover, the scheme is not considered harmful towards the host dwelling Coker Cottage as a BLI. This is in accordance with Policies HE1 and HE3 of the Local Plan and Section 16 of the NPPF and should be given moderate weight. In terms of the housing supply position, whilst the Council no longer benefits from the provisions of paragraph 75 of the NPPF because the Local Plan cannot now be considered recently adopted, it is considered that the proposal is acceptable without the need to apply the tilted balance under paragraph 11d of the NPPF. Moreover, in terms of the heritage impacts, it is considered that there would be no harm to the heritage significance of the conservation

area and nearby listed buildings and therefore the test set out in paragraph 202, does not apply.

The dwelling has been designed with traditional features and materials that reflect the rural, traditional setting of Newnham. Details of external finishes are, in the main, to be controlled via condition. Whilst the building would be somewhat visible from Ashwell Road over the hedgerow and through the access gap, this is not considered to be detrimental to the character of the area. As such, the proposal is deemed in accordance with Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF. This should be given moderate weight.

Given the location of the proposal, the sizable plot size and the acceptable design, the scheme will not give rise to any materially adverse impacts upon the reasonable living conditions and well-being of neighbouring properties and future occupiers. This is in accordance with Policies D1 and D3 of the Local Plan and should be awarded moderate weight.

The proposal is a small site that will deliver measurable gains in biodiversity, in accordance with Policy NE4 of the Local Plan. There is no requirement for this proposal to demonstrate a 10% BNG.

The formal comment from the Highway Authority has sought to require additional information and detail prior to commencement of the development via condition, namely for the works concerning the visibility sight lines, pedestrian visibility splays and footways along Ashwell Road. In my view, whilst the requirement to submit further details for visibility sight lines and pedestrian visibility splays is reasonable, the introduction of a 2.4m wide footway across the site's frontage is unacceptable in planning terms for the reasons set out in section 4.3.29 of this report. In my opinion, not incorporating this 2.4m footway into the proposal will not result in a development that will cause a detrimental impact on the highway network. Therefore, this proposal is recommended for approval subject to the above-mentioned condition, with the omission of the 2.4m footway element, contrary to the formal view of the Highway Authority. The parking provision is acceptable in planning terms. Therefore, this scheme is deemed in accordance with Policies T1 and T2 of the Local Plan, which is awarded moderate weight.

Overall, taking all matters into account the proposal complies with the Local Plan as a whole and the application is recommended for approval, subject to conditions.

4.5 **Alternative Options**

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 The agent is in agreement with the proposed pre-commencement conditions.

4.7 **Climate Change Mitigation Measures**

4.7.1 N/A

5.0 **Recommendation**

5.1 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. A. No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
 - 1) The programme and methodology of site investigation and recording
 - 2) The programme 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.
- B. The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).
- C. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

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

4. A sample of the red clay plain roof tile shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the roofing works. Thereafter, tiles matching the approved sample shall be used to cover the roof of the dwelling hereby approved.

Reason: To ensure that special regard is paid to the special character of the Newnham Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

5. Metric scale section details of all new windows (including glazing bar profile and glazing system) shall be submitted to and approved in writing by the Local Planning Authority prior to the manufacture and installation of these windows. Thereafter, the new windows shall be installed in accordance with the approved details.

Reason: To ensure that special regard is paid to the special character of the Newnham Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

6. Full details of the front roof light shall be submitted to and approved in writing by the Local Planning Authority prior to the manufacture and installation of the roof light. Thereafter, the roof light shall be installed in accordance with the approved details.

Reason: To ensure that special regard is paid to the special character of the Newnham Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

7. Details of the garage doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. Thereafter, the garage doors shall be installed in accordance with the approved details.

Reason: To ensure that special regard is paid to the special character of the Newnham Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

8. The eaves of the new dwelling shall remain 'open' (expose rafter feet) unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure adherence to the approved plans and that special regard is paid to the special character of the Newnham Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

9. No access development shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, which show the detailed engineering designs and construction of the vehicle access and its connectivity with Ashwell Road and associated highway works concerning the visibility sight lines and pedestrian visibility splays. These works shall be carried out in accordance with the approved Plan, constructed to the approved specification and completed prior to the first occupation/use of the development hereby permitted.

Reason: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users in accordance with Policy T1 of the North Hertfordshire Local Plan 2011-2031.

10. Notwithstanding the submitted plans, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing and the approved details shall be implemented on site. The landscape scheme shall include:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained, including how it will be protected during the construction works;
- b) what new trees, shrubs, hedges are to be planted and areas grassed, together with the species proposed and the size and density of planting, this includes planting within the car park to provide shade, structure and ameliorate the expanse of hard surfacing;
- c) the location and type of any new walls, fences or other means of enclosure, and details of any hard surfacing proposed;
- d) details of any earthworks proposed.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and deliver net gains in biodiversity in accordance with Policies D1 and NE4 of the North Hertfordshire Local Plan 2011-2031.

11. Notwithstanding the submitted plans for the access and the submission of a detailed landscape scheme pursuant to condition 10, the mature hedgerow fronting Ashwell Road shall be retained as existing in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason; to protect the prevailing character of the area in accordance with Policy D1 of the Local Plan.

12. The dwelling hereby approved shall incorporate 1 Bat/Bird Box/Brick within the built fabric of the property. Once installed, the Box/Brick shall be maintained in perpetuity.

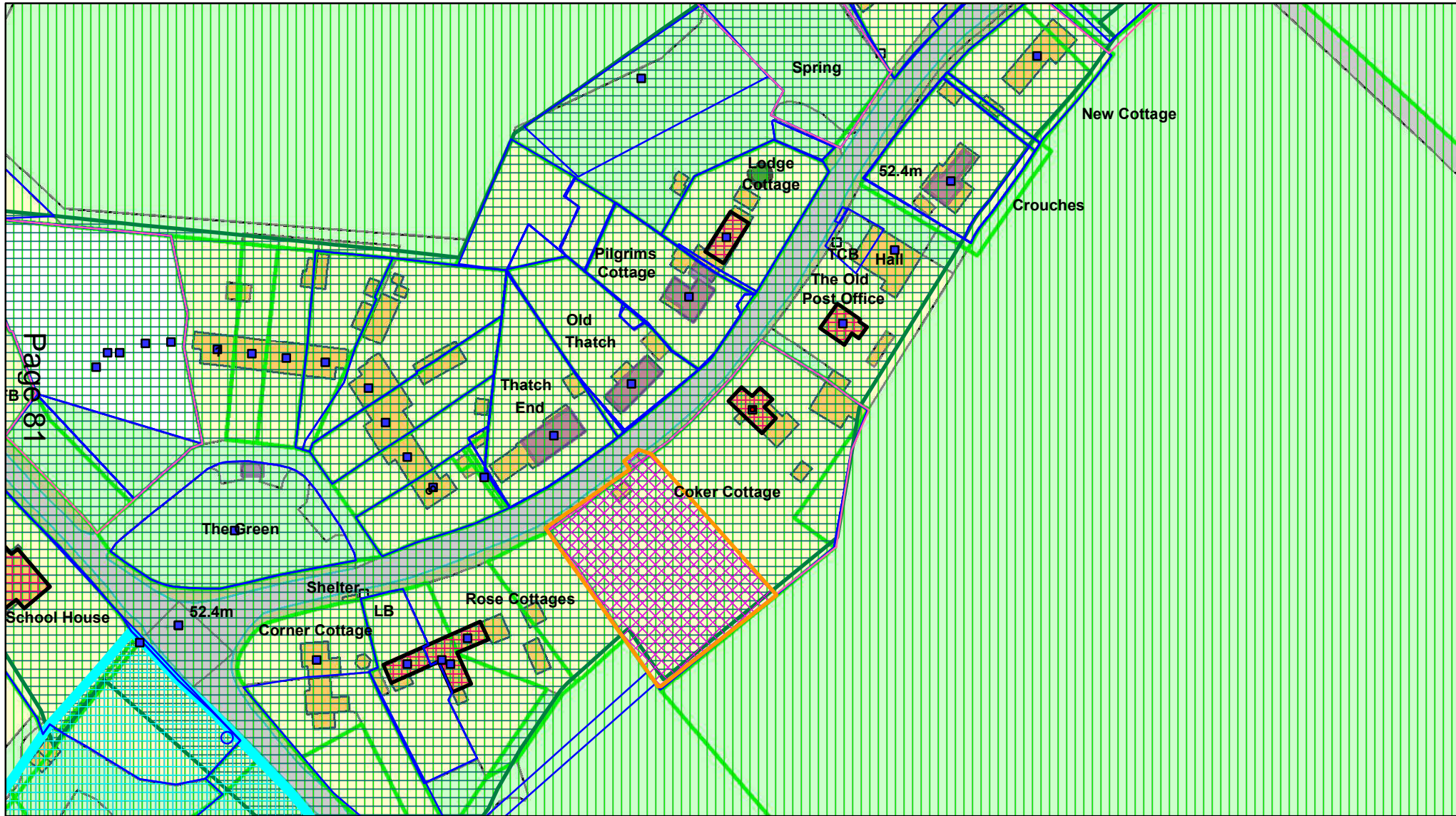
Reason: To ensure the proposal has regard for wildlife and contributes to net gains in biodiversity, in line with Policy NE4 of the Local Plan.

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.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/01807/FP Coker Cottage, Ashwell Road, Newnham, Baldock, Hertfordshire, SG7 5JX



Scale 1:1,250

Date: 31/10/2023

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<u>Location:</u>	Land To The South Of Wymondley Substation And South Of Sperberry Hill St Ippolyts Hertfordshire
<u>Applicant:</u>	Mr Gary Bird
<u>Proposal:</u>	Proposed solar farm measuring 35.5 hectares with associated battery storage and ancillary infrastructure (as amended by revised and additional information November 2022).
<u>Ref. No:</u>	22/00709/FP
<u>Officer:</u>	Peter Bull

Date of expiry of statutory period 09 June 2022

Extension of statutory period 16 November 2023 (to be confirmed)

Reason for Delay:

Discussions and negotiations on various technical aspects, further information received and additional consultation exercises that was undertaken as a result.

Reason for referral to Committee

The site area for this application for development exceeds 1 ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

Members should be aware that if they are minded to approve the application, this would be a 'resolution for grant' subject to referral of the application to the Secretary of State, as the site is within the Green Belt and over an identified threshold set out in The Town and Country Planning (Consultation) (England) Direction 2021 for consulting the Secretary of State in the event the local planning authority has resolved to grant planning permission for certain types of development.

The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in applications under Section 77 of the Town and Country Planning Act 1990. To use the call-in power requires that the decision be taken by the Secretary of State rather than the local planning authority.

Paragraph 3 of the 2021 Direction states:

This Direction shall apply in relation to any application for planning permission which – (a) is for Green Belt development, development outside Town Centres, World Heritage Site development or flood risk development; and (b) is received by a planning authority on or after 21 April 2021.

Paragraph 4 of the 2021 Direction states:

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

- (a) The provision of a building or buildings where the floor space to be created by the development is 1000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

The proposal is for a Solar Farm of a large scale with various associated plant covering 35.1 hectares of fields. Therefore, the proposal falls within (b) of the above.

1.0 Site History

- 1.1 21/02628/SO - Screening Opinion: Proposed 25MW solar farm and 12.5MW battery storage facility – EIA not required
- 1.2 15/01532/1 - Solar farm of approximately 5 Mega Watts of electricity generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure, including electrical inverter and transformer buildings, substations, communications and storage buildings, new access, access tracks, fencing and landscaping (as amended by drawing nos. 2218.AP.001.0 Rev I, 003.1 Rev C, 006.3 Rev B, 009.1 Rev A, 010.2 Rev A, G239_1, 2 & 3 received 4/11/15) – refused and appeal dismissed.
Note: this previous application related to only the western part of the current application site.
- 1.3 14/01576/1SO - Proposed Solar PV development – EIA not required

2.0 Policies

2.1 North Hertfordshire District Local Plan 2011 -2031

Policy SP1: Presumption in favour of sustainable development
Policy SP5: Countryside and Green Belt
Policy SP11: Natural resources
Policy SP12: Green infrastructure, landscape and biodiversity
Policy SP13: Historic environment
Policy D1: Design and sustainability
Policy D3: Protecting living conditions
Policy D4: Air quality
Policy HE1: Designated heritage assets
Policy HE3: Non-designated heritage assets
Policy HE4: Archaeology
Policy NE1: Strategic Green Infrastructure
Policy NE2: Landscape

Policy NE3: The Chilterns AONB
Policy NE4: Biodiversity and geological sites
Policy NE5: Protecting Open Space
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE12: Renewable and low carbon energy development.

2.2 St. Ippolyts Neighbourhood Development Plan

- 2.2.1 The St Ippolyts Neighbourhood Planning Area was designated by Cabinet on 31 July 2018. The Parish Council was the relevant body that applied for designation. The Plan has not progressed formally at this stage.

2.3 Wymondley Neighbourhood Development Plan (2011-2031) (Made 2018)

- 2.3.1 The Wymondley Neighbourhood Plan (WNP) was made on 26th September 2019 and now forms part of the Development Plan.

Policy NHE1: Landscape character
Policy NHE2: Biodiversity
Policy NHE3: Wildlife and Ecology
Policy NHE8: Landscaping schemes
Policy NHE9: Historic character and heritage assets
Policy TM1: Roads
Policy GB1: Green Belt
Policy FR1: Flood risk
Policy FR2: Flood risk management
Policy SLBE1: Business development.

2.4 National Planning policy Framework (2021)

Paragraph 11 – Presumption in favour of sustainable development
Section 6 - Building a strong, competitive economy
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places
Section 13 – Protecting Green Belt land
Section 14 – Meeting the needs of climate change
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment.

2.5 National Policy Statements

The National Policy Statement for Energy (EN1) revised in March 2023 confirms the need for the UK to diversify and de-carbonise electricity generation, and the Government's commitment to increasing dramatically the amount of renewable generation capacity. It confirms that '*a secure, reliable, affordable, net zero consistent*

system in 2050 is likely to be composed predominantly of wind and solar’ (paragraph 3.3.20).

The National Policy Statement for Renewable Energy Infrastructure (EN-3) also revised in March 2023 confirms the importance of renewable energy stating *‘that demand for electricity is likely to increase significantly over the coming years and could more than double by 2050. This could require a fourfold increase in low carbon electricity generation, with most of this likely to come from renewables’ (paragraph 2.1.2).*

2.6 National Planning Practice Guidance (NPPG)

Reference ID: 5-001-20140306 – Why is planning for renewable energy important?

Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions and slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable energy infrastructure in locations where the local environmental impact is acceptable.

Reference ID: 5-013-20150327 - What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms?.

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;*
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- the proposal’s visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- the need for, and impact of, security measures such as lights and fencing;*

- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

The approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

2.7 Supplementary Planning Guidance

North Hertfordshire Landscape Study 2011: Landscape Character Areas 214 (Langley Valley) and 215 (Wymondley and Titmore Green).

2.8 Other relevant Council publications

Council Plan 2020 – 2025

North Herts Climate Change Strategy.

3.0 Representations

Statutory and non-statutory consultees

3.1 Responses are summarised below.

3.2 **Wymondley Parish Council** – objects to the application for the following reasons:

- Contrary to Green Belt policy with no Very Special Circumstances demonstrated. Particularly important to protect this given this is one of two solar farm proposals in the parish, the expansion of Stevenage, potential additional housing in the parish and the impact of Luton Airport expansion. The result will be the urbanising of North Herts.
- The land is Grade 2 and 3a agricultural land and as such should not be lost to food production especially at time when our imports of cereal crops are under severe threat.
- Creating a food emergency is no solution. Solar should and can be on buildings and brown field sites.
- The site is selected based on proximity to and capacity at the nearby substation. The result is maximum disruption to nearby and adjacent residents and the hotel business at Redcoats Farm.

- The site also adjoins footpaths and roads and is an area with exceptional visual amenity looking over the valley towards Preston. This will be lost and become an eyesore viewed from miles around surrounding the area with high fences, CCTV poles and bund as well as the transformer buildings and panels is totally inappropriate development.
- The development added to the Great Wymondley scheme will create a Solar circle around much of Wymondley Parish running to 200 acres or 150 football pitches having a strong detrimental effect on personal mental health and wellbeing of our parishioners as well as known and acknowledged risks of fire and chemical escapes from the transformers and batteries.
- The cumulative impact of the two solar farms in the parish are contrary to the Wymondley Neighbourhood Plan, the local plan, green belt policy, the national planning framework and now the governments published direction of travel for renewable energy.
- Proposal is ill considered opportunism by developers and farmers and the District Council are asked to refuse planning permission.

Second consultation (January 2023) – Restated original objections. Added issues:

- Revisions relating to the bund, additional trees and hedging details are noted. Changes do not address the core issues and proposal will still adversely affect nearby homes and the Redcoats Farm Hotel and local views across some exceptional landscaping.
- Alternative sites and solutions to this Green Belt location which will be on BMV agricultural land.
- Poor and biased community interaction from the planning unit and the applicant.
- The revisions do little to address the underlying issues that were at the heart of original objections. This scheme is ill-conceived and does enormous damage to residents, businesses, our agriculture, landscape views and residents wellbeing in an area of North Herts becoming overrun with development proposals.

3.3 **St. Ippolyts Parish Council** – objects to the application for the following reasons:

- Harmful to Green Belt with reduced buffer between Stevenage.
- Adverse impact on the landscape which is beautiful countryside.
- Widely visible with open views across Almshoe and beyond.
- Adverse impact on users of the Hertfordshire Way and other public footpaths eyesore viewed from miles around surrounding the area with high fences, CCTV poles and bunds as well as the transformer buildings and panels which constitute inappropriate development.
- Loss of grade 2 and 3a agricultural land used for food production.
- There are alternative sites and locations with less impact.
- Disruption to local residents during construction.
- Impacts on heritage assets.

- The proximity of the site to Wymondley substation which reduces connection costs and therefore increases the developer's profit.
- Redcoats Farmhouse, a much-valued local business which heavily depends on the beautiful setting which will be ruined.
- Proposal offers no local employment and the developer has not made any proposal to bring any benefit to the Parish.
- The majority of local people oppose the development whereas those support generally are from a wider catchment area.
- A 1,000 signature petition from people in Hitchin and affected surrounding Parishes who are objecting to the proposal and gives weight to the view that this proposal does not have the support of the local community.
- North Herts' land area is 0.15% of the UK so current solar projects including this one project would result in North Herts being 9 times above the average ground-mounted solar contribution across the UK. Existing provision is already a significant contribution and there is no justification for additional capacity being installed on highly valued greenbelt with such a damaging local impact.

3.4 Langley Parish Council – objects to the proposal for the following reasons:

- The proposed site falls within the Green Belt. The protection of the Green Belt is important for ecological, recreational enjoyment of natural landscape and protection of urban sprawl reasons.
- Loss of high quality arable land and the associated impacts on food security, food prices and the need to protect the best quality land as advocated by the NPPF. This is accentuated by the war in Ukraine.
- Impact on the amenity of nearby residential properties and loss of outlook.
- Adverse impacts on local wildlife particularly wild der and birds.
- Harmful impact on a beautiful area of countryside.
- Safety concerns about the proximity of large lithium battery farms to residential properties and the potential for toxic materials.

Re-consultation response January 2023 restated these objections and confirmed that the Parish strongly oppose the plans and ask the Council to refuse planning permission.

3.5 Stevenage Borough Council – no objection to the proposal subject to compliance with the Green Belt policies set out in Chapter 13 of the NPPF 2021.

3.6 Councillor Richard Thake (Hitchin Priory Ward) – objects to the proposal:

- Accepts a global climate emergency and the need for renewable energy but this is not an appropriate location for such development.
- Adverse impacts on setting and outlook of statutory listed buildings.
- Loss of privacy.

- Impact on the Greenbelt and Very Special Circumstances (VSC) not demonstrated.
 - Impact on Best and Most Versatile (BMV) agricultural land.
 - Concern about likelihood of decommissioning being achieved.
- 3.7 **Historic England** – no objection.
- 3.8 **Natural England** – no objection subject to conditions to protect soil resources and to ensure the satisfactory restoration of the land at the end of the temporary period.
- 3.9 **National Grid (Gas)** – No objection gas pipe – agreed stand-off distances of 12.2m total width, temporary crossing point during construction.
- 3.10 **National Grid (Overhead lines)** – no objection.
- 3.11 **Environmental Health (Air quality)** – no objection.
- 3.12 **Environmental Health (Noise)** – no objection subject to conditions.
- 3.13 **Environmental Health (Land contamination)** – low likelihood of environmental risk from the development and therefore no objection is raised.
- 3.14 **HCC Highways** – initial response recommended refusal due to inadequately scaled drawings showing vehicular access details. Revised information was subsequently provided. No objection now raised subject to conditions.
- 3.15 **HCC Lead Local Flood Authority** – objects to the proposal as no formal discharge location for the surface water runoff, the proposal will increase the risk of flooding, increase impermeable surfaces and allow uncontrolled surface water runoff to leave the red lined boundary. Control of this matter is not considered appropriate by condition.
- 3.16 **Affinity Water** – no objection.
- 3.17 **Environment Agency** – no objections.
- 3.18 **CPRE Hertfordshire (Campaign to Protect Rural England)** – Objects to the proposal for the following reasons:
- The land identified for this proposed development is located within the London Metropolitan Green Belt and performs a vital function as open countryside, both for agriculture and recreation, and the conservation and enhancement of the natural environment.
 - Contrary to NPPF which requires land designated as Green Belt to be kept “permanently open “(para. 137) and “inappropriate development should not be approved except in very special circumstances “(para. 147).
 - VSC are not considered to exist.

- Openness of GB will be compromised by fencing, transformers and other bulky and unsightly equipment associated with this proposal.
- The industrial nature of the solar panels and associated infrastructure will however change the nature of the countryside in this area for a generation.
- Contrary to National Planning Practice Guidance having a negative impact on the rural environment.
- Contrary to Ministerial letters of November 2013 and April 2014 have stated that the need for renewable energy does not automatically override environmental protection and local authorities should ensure that proposals for solar farms are appropriately sited, and give proper weight to environmental considerations such as landscape.
- CPRE committed to renewable energy generation and supports solar energy generation on buildings and previously developed land. Alternative sites, land and buildings offer better solutions.
- Proposal is neither necessary nor appropriate changing the character and quality of the open countryside, introducing an industrial element by virtue of glass and steel installations and a wide range of supporting industrial structures which prejudice the key purposes for which the Green Belt was designated.
- Inappropriate development resulting in the loss of Best and Most Versatile (BMV) land.
- National food security are gaining in significance, leading to the need to preserve high quality agricultural land.
- The proposal will cause considerable disruption to existing wildlife on the site and attempts to suggest net gains in biodiversity rest on the introduction of additional species which will change the character of the landscape.
- Popular waking area and the proposed development will be highly visible over a wide area and from several public rights of way.
- Cumulative impact of such installations.
- Wider strategic issues such as the efficiency of generation by this method, and the eventual disposal of worn-out panels and other infrastructure should be considered.
- Large-scale developments of this nature pose a major challenge to the rural character of protected areas.

- 3.19 **HCC Historic Environment Advisor (Archaeology)** – no objection subject to pre-construction trial trenching being undertaken. This can be secured by condition.
- 3.20 **Herts Ecology** – no objections subject to conditions for a Landscape and Environmental Management Plan (LEMP), a Construction and Environmental Management Plan and a walk over badger survey.
- 3.21 **Hertfordshire Wildlife Trust** – no objection subject to conditions.
- 3.22 **Conservation Officer** – less than substantial harm identified. Objects to the proposal.

- 3.23 **Herts CC Growth and Infrastructure Unit** – no financial contributions required. No objections.
- 3.24 **Anglia Country Inns (owner of Redcoats Farmhouse Hotel)** – objects to the proposal for the following reasons -
- The supporting documents do not appear to have informed by NPPF policies, PPG or development plan policies.
 - Members should visit Redcoats and walk the various footpaths to the south in order to fully gauge the impact of these proposals.
 - Encroach upon the countryside (a Green Belt test) and consequently cause harm by reducing the physical and visual openness of the Green Bel
 - The appearance and perception of rolling open countryside will be altered, both within and at the site and in views across it.
 - Harmful to (higher end of less than substantial impact) upon the Redcoats heritage assets (as set out in separate heritage assessment).
 - Harmful impact upon the Redcoats business, which threatens the long term care and maintenance of the assets and jeopardise a rural business which employs 52 people.
 - It would result in the very long term loss of 35 hectares of best and most versatile agricultural land and prevent it from realising its potential.
- 3.25 **National Farmers Union (NFU)** – supports the proposal. The application is in accordance with NFU guidance relating to renewable energy, addressing the ambition for net zero for the agricultural sector and part of the solution to tackling climate change. Proposal is an important form of farm diversification which can yield significant income streams to support profitable and resilient agricultural businesses. The site is well located, the use temporary and it allows for livestock grazing.
- 3.26 **Friends Of The Hertfordshire Way (charity)** – objects to the proposal. This is one of over 50 planning applications that could have a significant impact on the route. Widely used by local and non-local people. Concerns that there will be impacts on footpaths 014, 019 and 015. Impact arising from proposals visually harmful to footpath users. Proposal will affect food security.
- 3.27 **Neighbour and Local Resident Representations**
- The application has been advertised by neighbour notification letters, the display of site notices and press notices. A total of 409 comments have been received on the application. Additional and amended information was provided in November 2022 relating to a number of technical matters and a further consultation process was undertaken in January 2023.
- A petition from the local community with 1033 signatures confirms that they support renewable energy but not on Green Belt or on the Best and Most Versatile agricultural land.

A total of 236 individual objections have been received and the issues raised are summarised below:

3.27.1 Planning Policy, guidance and strategies

- The proposal is not consistent with the British Energy Security Strategy (2022) which encourages large scale projects to locate on previously developed, or lower value land, where possible, and ensure projects are designed to avoid, mitigate, and where necessary, compensate for the impacts of using greenfield sites.
- This application contravenes the following local and national policies: The National Planning Policy Framework paragraph 151, 147 and 148, 170 North Hertfordshire District Local Plan 2011-2031 - Policy SP5 - Countryside and Green Belt, ii. Policy SP11 - Natural resources and sustainability, Policy NE12 - Renewable and low carbon energy development Wymondley Neighbourhood Development Plan 2011-2031 (Adopted 2019) - Policy GB1 - Green Belt, Policy SLBE1 - Business development, Policy NHE2 - Biodiversity and Policy NHE3 - Wildlife and Ecology.

3.27.2 Landscape and visual impacts

- Adverse landscape impacts.
- Landscape mitigation not sufficient.
- Loss of outlook and amenity to residents and general public.
- Adverse impact on nearby housing and businesses making them unattractive places to live or visit.
- Panels, plant and associated equipment will be an eyesore viewed from long distances.
- Impact on nearest properties either not considered and understated and therefore misleading.
- Seasonal impacts will be greater dominating views in an area.
- Broad glacial valley cut through the scarp of the Chilterns during the last ice age, as the proposed Sperberry Hill site is
- Proposed bund will be large and out of character and likely to be over 3m in height after planting matures.
- Harmful to enjoyment of countryside for users.
- Area of beautiful chalk downland.
- A local landscape practitioner raised concerns about elements and findings contained in the submitted Landscape Visual Impact Assessment (LVIA).

3.27.3 Wildlife, ecology and biodiversity impacts

- Wild birds, owls and raptors including rare species are known to frequent area and will be impacted and not mitigated.

- No certainty that development will deliver biodiversity net gain.
- Chilterns AONB and within the impact zone of Wain Wood SSSI.
- Impact on deer and other wildlife.
- Claims of increased biodiversity is Greenwash.

3.27.4 Heritage

- Adverse impacts on listed buildings including four Grade I Listed Buildings, ten Grade II* Listed Buildings and 82 Grade II Listed Buildings within the 2km study area.

3.27.5 Highways and public rights of way (PRoW)

- Road network unsuitable for type and volume of traffic proposed.
- Traffic delays and disruption to local people.
- Permanent damage to vital local hedging and trees along the area of lane to access the potential site and with a great risk of accidents and injury to people walking with families, cycling and riding horses as this is a favoured route to the church and the park and lake at St Ibbs Bush.
- Diminished recreational value of public footpaths, including the Hertfordshire Way, which are well used by the public because this is beautiful countryside. The proposed development will turn this area into an industrial landscape.
- Sperberry Hill and surrounding lanes are very narrow with single lanes and several pinch points. Some parts are unable to take two way traffic. 40 trips a week generated by 16.5m articulated lorries plus over 80 ancillary vehicle movements, per day, for the workforce over an 8 month period is likely to damage the local roads and increase the risk of accidents.
- The Transport Statement submitted by the Applicant is wholly inadequate with an entirely unrepresentative, borderline disingenuous, location chosen for the Automatic Traffic Count (ATC).
- Inadequate consideration has been given to key junctions on the transport plan such as the B656 / Sperberry Hill junction which is highly constrained for even the smallest of vehicles, let alone significant movement from HGV vehicles.

3.27.6 Green Belt impacts

- Adverse impact on the Green Belt with Very Special Circumstances not demonstrated, Rejected by Inspector on these grounds on previous application.
- Inappropriate Development in Greenbelt causing demonstrable harm.
- Contrary to NPPF guidance on Green Belt.

3.27.7 Agricultural land impacts BMV and food security

- Contrary to Government Written Ministerial Statement (UIN HCWS488) dated 25th March 2015 and paragraph 170 of the NPPF states which states that poorer quality land should be preferred to those of a higher quality.
- Using BMV agricultural land for sheep grazing (as proposed by the applicant) is not a suitable alternative use for this grade of land.
- Other less valuable land, both visually and in its agricultural categorisation within easy reach of the grid connections for the area.
- Decommissioning should require a bond to ensure this is undertaken.
- Loss of grade 2 and 3a BMV land contrary to NPPF and policy guidance.
- Threat to food security from loss of agricultural land.
- As there is no poor quality land within North Herts, the only logical conclusion is that industrial scale solar plants are not the right renewable solution for this area.

3.27.8 Alternative sites or technologies and solutions

- Government should be lobbied to require all new buildings, both housing and industrial, should be legally required to include solar panels on rooftops where they will be less intrusive.
- In contrast to offshore wind source, solar farms are hugely inefficient.
- Alternative methods - offshore wind farms, nuclear energy and hydrogen production by electrolysis – offer better solutions.
- There is sufficient land outside the greenbelt to place solar farms.
- North Herts should improve the insulation on its own housing stock and insist that new build applications include solar panels on roofs.
- No consideration appears to have been given to look at alternative sites.
- Central Government has already approved, and funded, projects that will generate sufficient power for all of our houses by 2030, with over 75% capacity by 2026.
- South facing commercial rooftops within the immediate urban area, all accessible to the Wymondly substation. The North Herts Council has the power to direct the use of currently built-on land for the construction of solar panels without despoiling this area of natural beauty.
- Only once we have run out of solar panels on roofs may we start using our natural assets.
- There are many brownfield sites, both open land and roof tops, which should and could be used for solar farms and battery storage.

3.27.9 Noise, disturbance and pollution

- Constant hum from the equipment.

- The elevated position of the site in an open rolling landscape means that the security fencing and associated infrastructure make a significant visual Impact which cannot be hidden by these measures.
- Increased pollution.
- Solar is very inefficient and intermittent method of providing energy.
- Their production involves considerable emissions of CO2.
- Lithium is highly pyrophoric metal which could explode in contact with air or water.
- The inverters will use considerable quantities of water for cooling.
- Toxic pollution.
- Construction period will create significant disruption for the local community for 8 months.
- Work hours of the site is unacceptable, 7 days a week and 8-6:30pm.
- Noise pollution from work site, panels are piled in place with heavy machinery and that will be 7 days a week for a year.

3.27.10 Soil damage and pollution

- The proposed development could cause permanent damage to land by scraping off the topsoil, altering the topography, and compacting the soil in a way that prevents infiltration of water into the soil and the underlying aquifer. This can lead to flooding in the winter and also a reduction of valuable water at a time when the UK is regularly experiencing droughts in the Spring and Summer.

3.27.11 Economic impacts

- Proximity of proposal adjacent hotel and events venue business to which the proposed scheme borders will be devastating - noise pollution, events and activities are on weekends, outside and in direct view of the proposed work site, significant access disruption for our staff, customers and local community for a year.
- No benefits from the proposal.
- Proposal would put at risk a significant number of local jobs as it would no longer be a desirable venue for restaurant, hotel or wedding or other celebration/activity, set in rural Hertfordshire.
- Once established the proposed solar farm would not contribute an equal amount of employment opportunities.

3.27.12 Fire Safety

- Battery storage containers themselves are a threat to the environment if they are not maintained.

- Safety of battery installation.

3.27.13 Flood risk

- The scale of the development will affect the run off from the fields and exacerbate flooding to nearby properties.
- Little Alshoe Lane already floods in areas, an increase in this run off by filling the ground with foundations could be catastrophic. Planting will not mitigate these impacts.
- Flood modelling should be independently assessed by a suitably qualified person.
- The water run off would be considerable with the risk of flooding to 'The Wyck' and 'The Red House' along with the properties at Little Almshoe.

3.27.14 General objections

- Distance from sub stations not a constraint to location of development.
- The overall cost and longevity of the project will far outweigh the loss of this beautiful countryside.
- Developer seeking to maximise profits due to the location's proximity to the local sub-station.
- Any solar farm site will automatically become classified as brownfield site after 10 years.
- Precedent set for solar farms if allowed.
- Uncertainty as to how will the panels etc be disposed following decommissioning.
- Over development of this part of the district.
- NHDC has no clear strategy for energy.
- It proposes very little by the way of community benefit to mitigate this harm.
- Little contribution to its energy security.
- The efficiency of the panels is not just a straightforward positive 40 year cycle
- The significant impact of their manufacture must be offset against any positive gains and decommissioning and recycling will have further impact.
- Contravenes human rights in particular Protocol 1, Article 1. This states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land. Additionally, Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. In the case of *Britton vs SOS* the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings. The proposed earth bund is within 40 metres of a property and is therefore in contravention of the Human Rights Act 1998.

3.27.15 A total of 171 representations have been received in **support** of the application. These are summarised below:

3.27.16 Energy need and policy

- The UK Government has set a statutory target of achieving net zero emissions by 2050, and this is a material consideration.
- The UK Energy White Paper, Powering our Net Zero Future (2020), describes the costs of inaction would increase frequency and severity of heatwaves with increase in heat related deaths.
- Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) are material considerations. These recognise that energy infrastructure of all sizes and types, including solar, are needed to meet decarbonising targets. The lowest cost way of generating electricity and that by 2050, secure, reliable, affordable, net zero energy systems are 'likely to be composed predominantly of wind and solar'.
- UK needs to 'dramatically increase the volume of energy supplied from low carbon sources' to ensure a reduction in the reliance of fossil fuels. This is set out in the UK Energy Strategy and Energy White Paper. Every scenario to reach net zero requires deployment of solar energy to reduce the greatest impacts of climate change, decarbonise our society and ensure energy security.
- NPPF paragraph 152 confirms overall support to transition to a low carbon future in a changing climate', should 'contribute to radical reductions in greenhouse gas emissions' and 'support renewable and low carbon energy and associated infrastructure'.
- This kind of project is vital for our future and future generations to come.
- Large scale and irreversible changes to the global climate, including large-scale methane release from thawing permafrost and the collapse of the Atlantic Meridional Overturning Circulation.
- Will help Council meet net zero target by 2040, this project adds to that.
- Will help UK meet its climate change obligations.
- Increase in global temperatures this century, which is not compatible with human life as we currently know it.
- Benefits far outweigh the costs.
- Proposal will add almost 50% to the existing renewable electricity generation capacity in the district.
- The south facing nature of the fields means site is ideal for solar power.
- Proposal will increase energy security and help reduce our energy costs.
- Proposal will help address declared climate emergency.
- Likely that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels.
- Sea level rise will be damaging.

- Responsibility placed on all communities to contribute towards renewable energy production.
- Will reduce reliance on imported fossil fuels.
- The benefits of are clear to see and far outweigh any disadvantages.
- Overall positive impact on the environment and to our energy security.
- The need to de-carbonise must weigh most heavily in favour of the application.

3.27.17 Transport and access

- Good access for HGV off main roads.
- Existing bridleways and footpaths maintained and unaffected.
- Traffic impacts will be temporary.

3.27.18 Biodiversity and ecology

- Extra planting particular new boundary hedges and livestock beneficial for wildlife, flora and fauna with land having dual purpose. Will also help with screening of development.
- Improved biodiversity The project will deliver an approximate 130% biodiversity net gain on area-based habitats and an approximate 155% net gain based on linear habitats such as hedgerows.
- Chemical reduction to agricultural land.
- Will help address monoculture use of agricultural land.

3.27.19 Diversification

- Will provide opportunities for local sheep farmers.
- It would also enable the farm holding to diversify its income and invest in infrastructure, buildings, and ongoing maintenance of the holding to ensure it remains competitive and viable in the long term.

3.27.20 Landscape and visual

- In terms of the Green Belt the panels are plant and equipment, rather than buildings. Solar panels are readily removal and have a limited life, so impacts are temporary.
- Much of Hertfordshire falls within Chilterns Area of Outstanding Natural Beauty, other landscape designations and Green Belt.
- Unsightly sub-station and pylons already in landscape.
- Hedges prevent glint and glare.
- photovoltaic panel farms are silent, low level and concealable sources of regular energy.
- There will continue to be an abundance of beautiful countryside around North Herts.

- Outlook for some residential properties will change but these changes are not harmful.

3.27.21 Agricultural land and BMV

- We need a balance of power and food supply and local solar farms are making the best use by grazing sheep for food and producing power.
- Until 2012 the whole area was originally grass used for grazing cows.
- the landowner will still be producing food from other land.

3.27.22 General benefits

- Creation of economic benefits in terms of construction, employment and business rates.
- Not taking advantage of a energy source that is better for our planet will be a crime against our planet.
- Will protect future generations.
- Educational benefits with people able see that recreational use of countryside and green energy are compatible.
- As the UK seeks greater electrification to power our lives solar must be part of the energy mix.
- The net gain of the project for our current and future generation need to be considered.
- The scale and urgency of the climate crisis means the country needs to build as much renewable energy infrastructure as it can as fast as it can.
- Solar can be deployed quickly and is a relatively cheap way to get more electricity compared to other sources such as coal, fracking or nuclear power.
- Storage capacity will overcome intermittency.
- Proximity to power station means connection works are minimised.

4.0. Planning Considerations

4.1 **Site and Surroundings**

4.1.1 The application site primarily comprises a series of agricultural (arable) fields east of St Ippolyts and west of the A1 (M) trunk road and also include a connection along the public highway (Stevenage Road) to the Wymondley substation located off the Blakemore End Road immediately north of the agricultural fields. The site measures 35.1 hectares in area. The whole of the application site is located within the Green Belt. The western section is located within St Ippolyts parish and the eastern and southern element within Wymondley parish.

4.1.2 The site is effectively two parcels – east and west – and these are dissected by Little Almshoe Lane. The western parcel - 16.4ha - is bound by Sperberry Hill to the north, Tittendall Lane to the west and Little Almshoe Lane to the south. The

eastern parcel - 18.7ha - is bound by Sperberry Hill and the curtilage to Redcoats Farm Hotel to the north, Little Almshoe Lane to the north-west and agricultural fields to the south-west, south and east.

- 4.1.3 The northern boundaries of the site adjacent to Sperberry Hill are the most elevated parts of the site with the land falling in a southerly direction down Little Almshoe Lane. From the north looking in a southerly direction there are long open views of the countryside in the south, From Sperberry Hill, there are intermittent views of the countryside (to the south) due to the presence of gaps in boundary hedges. Views from other public roads are generally enclosed due to existing trees, hedges and the levels of roads and routeways which in places are sunken below the adjacent fields. The most notable manmade feature within the landscape are electricity pylons.
- 4.1.4 The site is within the setting of listed buildings, Scheduled Monuments and is within an area of archaeological interest. Most notable is the Redcoats Farm Hotel which abuts the northern boundary of the eastern parcel and includes four separately statutorily listed buildings.
- 4.1.5 There are a number of public footpaths that traverse the site. Footpath 14 runs through the western parcel and leads to the property known as The Wyck in the south. Footpath 16 runs east to west in the lower part of the western parcel and connects to two other footpaths – 19 in the west and 15 in the east. Footpath 15 also runs through the lower section of the western parcel connecting to footpath 19.
- 4.1.6 The application has been advertised as a major departure.

4.2 The Proposal

- 4.2.1 The proposal is for a photovoltaic (PV) solar array and ancillary development. This would consist of:
- PV panels and associated support frames photovoltaic (PV) solar panels (height c 2.4m) aligned east west and facing due south.
 - String Inverters approximately 1.04m wide x 0.7m high x 0.37m deep and attached to the end of panel rows;
 - 5 No. Transformer Stations - 6m (w) x 2.4m(d) x 3m (h);
 - 8 No. Battery Storage Containers and associated inverter/transformers - 12.1m (w) x 2.4m (d) x 3m (h);
 - 1 No. DNO Substation - 6.1m (w) x 4.9m (d) x 3.6m (h);
 - 1 No. Switchroom Building – 8m (w) x 2.3m (d) x 2.6m (h);
 - 1 No. Control Room Building - 4.4m (w) x 2.3m (d) x 2.4m (h) ;
 - Grid Connection Cable to National Grid's Wymondley Substation;
 - circa.1.3km of new/resurfaced internal access tracks (3.5m wide and constructed using Type 1 stone);

- 2 No. improved existing access points off Little Almshoe Lane, and an access point from Stevenage Road;
- Ditch culverts for track crossings;
- Circa 5.1km deer/stock fencing;
- Circa 34 No. 3m high CCTV cameras;
- Circa 170m long 2.5m high earth bund;
- Circa 2,650 m2 woodland planting;
- Circa 2,600m hedgerow planting (new and gapping up of existing); and
- New areas of species rich grassland.

4.2.2 The solar array would generate up to 25MWe of electricity during peak generation which is estimated to provide electricity for between 7,000-8,000 homes.

4.2.3 The site search and selection process for commercial solar schemes such as this requires the consideration of several essential factors if it is to be viable and deliverable:

- available capacity in the existing substation to import the required amount of power into the National Grid;
- located close to the identified substation (typically <4km) to remain viable both in terms of cable deployment for the grid connection, and to ensure that minimum transmission losses occur;
- minimal solar curtailment (solar curtailment is where National Grid deliberately reduce the output of solar renewable energy generation below what could have been produced to balance the energy supply across the Grid),
- a willing landowner,
- offer of grid connection from National Grid.

In this instance the site meets all the above criteria being 0.8km from Wymondley substation, is in a moderate to low solar curtailment area and there is a grid connection offer.

4.2.4 The application is supported by the following documents:

- Planning Application Drawings
- Planning and Design & Access Statement
- Agricultural Land Assessment
- Landscape and Visual Impact Assessment
- Heritage Assessment
- Flood Risk Assessment
- Preliminary Ecological Appraisal
- Glint & Glare Assessment
- Noise and Vibration Assessment
- Transport Statement.

- 4.2.5 The applicant indicates that the site would be decommissioned at the end of its 40-year operational life and restored to its existing arable agricultural use.
- 4.2.6 Regarding, the main elements of the proposed development, the solar panels would be mounted on a steel and aluminium frame positioned at an angle of about 20 degrees and facing south. The posts would be set into the ground approximately 1.2 metres except where in areas of archaeological sensitivity where a non-intrusive method would be utilised. The lowest edge of the panels would be 800mm above ground level to enable the area to be grazed by sheep. The panels would be arranged in rows and set approximately 3.5m apart.
- 4.2.7 The construction access points are Stevenage Road to the north immediately east of the party boundary with Redcoats Farm Hotel. Two other access points to the western and eastern parcels are located off Little Almshoe Lane.
- 4.2.8 The construction programme would comprise -
- Establishment of site compound and entrance widening;
 - Construction of permanent and temporary site access tracks;
 - Erection of deer fencing and gates to site perimeter;
 - Installation of solar panels and frames;
 - Installation of CCTV poles and cameras;
 - Installation of string inverters and transformer stations;
 - Installation of cable trenches;
 - Installation of BESS containers;
 - Installation of control building and DNO substation buildings,
 - Installation of office building;
 - Cultivation and seeding;
 - Grid connection, and
 - Hedgerow and woodland planting,
- 4.2.9 Construction activities would take place 7 days per week during the following hours:
- Monday to Friday 07:30 – 18:00; and
 - Saturday - Sunday 08:30 – 18:00.
- 4.2.10 Deliveries and noise generating activities would only take place from Monday – Saturday (inclusive) within the following hours -
- Monday to Friday 07:30 – 18:00
 - Saturday 07:30 – 13:00; and
 - No deliveries on Sundays with the exception of one-off abnormal loads or large vehicles such as cranes. Piling would only be undertaken between 09:00 – 17:00 each day Monday – Friday.

4.2.11 Core Construction Works would comprise -

- Site Preparation and Development of Construction Compounds
- Earthworks, Foundations and Piling
- Excavations
- Temporary Excavations
- Foundations
- Piling
- Temporary construction lighting.

4.2.12 In the event that permission was to be granted, a Construction Environmental Management Plan (CEMP) would be developed for the construction phase of the development. This would set out a broad framework for the construction phase of the development and would include specific measures to be adopted during the construction of the various components of the scheme.

4.2.13 Access for construction traffic would be via existing farm access points off Stevenage Road and Little Almshoe Lane. Parking would be within the temporary construction compounds within the site. Following construction of the proposed development, access would be limited to routine maintenance operations and grazing of sheep.

4.2.14 The applicant indicates that construction would take about 36 weeks, including testing and commissioning.

4.2.15 Of note is the previously dismissed appeal (dated 2017) for a similar proposal on the western parcel that forms part of this current proposal (application reference 15/01532/1 – see 1.2 above). The Inspector considered several issues including the loss of BMV agricultural land. On this matter he commented “*the proportion of Grade 2 and 3a land in the area generally is high. I accept that it might be difficult to find lower quality land in this area with an appropriate grid connection. This matter does not count against this scheme.*” In his conclusion, the Inspector commented that the proposal would “*significantly diminish the character and appearance of the area and the openness of the Green Belt in a prominent location, detracting from the experience of those living in and those visiting and enjoying the wider area*” and these harms were not outweighed by the benefits. Since then, there have been changes to policy and guidance as is set out in the following sections of this report. This current proposal is also fundamentally different in scale and design resulting in different range of impacts, harms and benefits. Having regard for the foregoing, the findings of the Inspector on this previous proposal are considered to be of some, albeit limited, value in the determination of this current scheme and the proposal presented should be determined on its merits.

4.3 Decommissioning

- 4.3.1 At the end of the 40-year life of the proposed Solar Farm it would be decommissioned, which would require similar plant to the construction phase with similar traffic impacts. All above and below ground infrastructure would be removed from the site and recycled, where possible. This matter would be controlled by condition in the event permission were to be granted.

4.4 Amendments

- 4.4.1 To address comments from the LLFA, Herts CC Highways Unit and the Council's landscape consultant and the conservation officer and to deal with other matters arising a letter and range of revised documents were received in November 2022, May 2023 and September 2023:

- Addendums to the Flood Risk Assessment
- Revised General Arrangement drawing (3045-01-03 Rev D)
- Revised Landscaping proposals drawing (3045-01-12 Rev C)
- Heritage Technical Note.

- 4.4.2 In relation to the landscape proposals, the revisions relate only to the reduction in solar arrays in the east of the Site due to a risk of surface water flooding and location of two surface water attenuation basins to the eastern parcel. For the avoidance of doubt, the soft landscape proposals have not changed. Issues arising from the submission of these documents and drawings are considered in the following sections of this report.

4.5 Keys Issues

- 4.5.1 The key issues for consideration of this application for planning permission are:

- Climate Change and Renewable Energy (4.5.2)
- Impact upon the Green Belt (4.5.41)
- Impact upon heritage assets (4.5.75)
- Archaeological impacts (4.5.91)
- Landscape and visual impacts (4.5.100)
- Local highway network impacts (4.5.131)
- Best and Most Versatile (BMV) agricultural land impacts (4.5.138)
- Flood risk and drainage impacts (4.5.148)
- Noise impacts (4.5.153)
- Ecological and biodiversity impacts (4.5.160)
- Fire risk impacts (4.5.169)
- Other matters (4.5.173)
- Planning Benefits (4.6).

Climate Change and Renewable Energy

- 4.5.2 Applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.5.3 Currently the Development Plan includes the Local Plan 2011-2031 adopted in November last year.
- 4.5.4 Policy NE12: Renewable and low carbon energy development states: Proposals for solar farms involving the best and most versatile agricultural land and proposals for wind turbines will be determined in accordance with national policy.
- 4.5.5 The Government considers that climate change is occurring through increased greenhouse gas emissions, and that action is required to mitigate its effects. A significant boost to the deployment of renewable energy generation is one action that is being promoted.
- 4.5.6 **The Climate Change Act 2008** (as amended) sets a legally binding target in the UK to reduce all greenhouse gas emissions to net zero by 2050. Renewable energy generation is an important part of reducing carbon emissions. Significant increase in renewable and low carbon generation, carbon capture and storage will be required to achieve the Government's net zero commitment by 2050, amongst other things.
- 4.5.7 Electricity demand is predicted to increase by National Grid, due to increase in population, transition to electric vehicles, increase in hydrogen production and a move away from the use of natural gas for heating.
- 4.5.8 The applicant sets out the need for the proposed development in the submitted Planning, Design and Access Statement and the contribution that the proposed development would make to renewable energy production. Reference is made to several Government strategy and policy documents including, 'Net-Zero Strategy: Built Back Greener' that was published in October 2021. This strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet net-zero target, including a commitment to fully decarbonise the power system by 2035 and seeks to accelerate the deployment of low-cost renewable energy generation as part of this.
- 4.5.9 Support for renewable energy is set out in **Section 14 of the NPPF**.
- 4.5.10 Paragraph 152 states: *"the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings, and support renewable and low carbon energy and associated infrastructure."*

- 4.5.11 Paragraph 155 of the NPPF states *“to help increase the use and supply of renewable energy and heat, plans should: (a) provide a positive strategy for energy from these sources, that maximise the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); (b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and (c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers”*.
- 4.5.12 In determining planning applications for renewable and low carbon development, Paragraph 158 of the Framework confirms that local planning authorities should: *“(a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and (b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”*
- 4.5.13 The **National Planning Practice Guidance** (PPG) addresses renewable and low carbon energy and confirms that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the environmental impact is acceptable. It recognises that large scale solar farms *“can have a negative impact on the rural environment, particularly undulating landscapes”* but *“the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”* The PPG identifies factors to be considered when deciding a planning application and says that large scale solar farms should be focussed on previously developed and non-agricultural land, provided that it is not of high environmental value.
- 4.5.14 A material planning consideration are **National Policy Statements** (NPS) for the delivery of major energy infrastructure, which recognise that large scale energy generating projects will inevitably have impacts, particularly when sited in rural areas.
- 4.5.15 The development has a capacity of 25 Mw, which would generate a significant amount of electricity from a renewable resource. This would provide for a reduction of approximately 10,000 cubic tonnes of CO₂ emissions and meet the energy needs of approximately 7,000 to 8,000 homes through renewable energy. Government data shows that the proposed scheme would almost double the installed renewable capacity in the District. This is a benefit that attracts substantial weight.

- 4.5.16 Since the Climate Change Act 2008, several national initiatives have been introduced to help meet targets.
- 4.5.17 The **Carbon Plan 2011** identifies the emission reductions needed in five key areas of the economy: buildings, transport, industry, electricity, and agriculture to meet targets.
- 4.5.18 The **Clean Growth Strategy 2017** outlines the plan to grow the national income while cutting greenhouse emissions.
- 4.5.19 The **Resource and Waste Strategy 2018** outlines the actions the UK will take to minimise waste, promote resource efficiency and move towards a circular economy.
- 4.5.20 The **Clean Air Strategy 2019** demonstrates how the national government will tackle all sources of air pollution and boost the economy.
- 4.5.21 In addition, **the Council passed a climate emergency motion on 21 May 2019**. This declaration asserted the Council's commitment toward climate action beyond current government targets and international agreement. This is currently pursued through the Council's Climate Change Strategy 2022 to 2027. The key objectives of the Strategy are:
- achieve Carbon Neutrality for the Council's own operations by 2030;
 - ensure all operations and services are resilient to the impacts of climate change;
 - achieve a Net Zero Carbon district by 2040; and
 - become a district that is resilient to unavoidable impacts of climate change.
- 4.5.22 In terms of enabling carbon savings, as well as providing leadership and support for businesses and residents to switch to renewable energy, and adapt to the impacts of planning projects, the Strategy confirms that the Council can play an important role as local planning authority, in reducing carbon emissions and providing further supplementary planning guidance.
- 4.5.23 The National Grid Electricity System Operator has published an update on **Future Energy Scenarios (FES)** document.
- 4.5.24 This report sets out four possible scenarios based around two drivers: speed of decarbonisation and the level of societal change. The four scenarios are:
- Falling short
 - Consumer transformation
 - System transformation
 - Leading the way

- 4.5.25 All four scenarios have net zero at their core and explore different pathways of achieving this. The FES identifies the four headline messages, which are:
- 1) Significantly accelerating the transition to a decarbonised energy system can help address security and affordability concerns at the same time as delivering Net Zero Milestones.
 - 2) Consumer behaviour is pivotal to decarbonisation – how we all react to market and policy changes and embrace smart technology will be vital to meeting Net Zero.
 - 3) Reforming energy markets to improve price signals will help unlock the flexible solutions needed to integrate renewables efficiently.
 - 4) Strategic investment in the whole energy system is urgently required to keep pace with Net Zero ambitions and strengthen energy security.
- 4.5.26 The FES Report confirms that as of 2022, 14GW of electricity was produced by solar power. Targets of solar power for 2030 and 2035 are 27GW and 70GW respectively. Achieving these targets will require investment in solar electricity generation and electricity storage across the UK over the next decade.
- 4.5.27 The Report clarifies the potential obstacles to further solar development which include grid capacity and connections, land and planning, skills and the supply chain of solar panels. It confirms that if these issues can be addressed, the business case for solar generation is currently strong because of recent high electricity prices.
- 4.5.28 Consumer Transformation and System Transformation both hit the target of zero emissions in 2050, and Leading the Way achieves the target slightly earlier in 2047. Falling Short would not achieve net zero, with a reduction of 80% compared to the level in 1990. All scenarios require an increase in solar capacity between now and 2030.
- 4.5.29 Net zero will require significantly higher levels of electricity generation from renewable sources and it is envisaged that four technologies will produce over 90% of electricity generation: wind, solar, nuclear and bioenergy with carbon capture and storage. It is also envisaged that energy production will be more localised.
- 4.5.30 Renewable energy generation is just one means of reducing carbon emissions, but it is an important one given the predicted rise in electricity consumption.
- 4.5.31 The **British Energy Security Strategy 2022** was published by the Government on 7th April 2022 and sets out a strategy for providing the energy we need in a safe, secure and affordable way, and at the same time ensuring that we do all we can to meet our net-zero commitments. It includes a commitment to achieving fully decarbonised electricity by 2035, subject to security of supply.
- 4.5.32 The Strategy confirms that accelerating the transition from fossil fuels depends critically on how quickly we can roll out renewables. Regarding solar, the strategy

states “the cost of solar power has fallen by around 85% over the past decade ... we expect a five-fold increase in deployment by 2035... For ground mounted solar, we will consult on amending planning rules to strengthen the policy in favour of development on non-protected land, whilst ensuring communities continue to have a say and environmental protections remain in place.”

- 4.5.33 The British Energy Security Strategy expects a five-fold increase in deployment of solar generation between today and 2035, with up to 70 GW installed.
- 4.5.34 In April 2023, the Government published a policy paper **Powering Up Britain: Energy Security Plan** with the aim of enhancing and protecting the country's energy security, take economic opportunities of the net zero transition and deliver on existing net zero commitments set out in the Energy Security Plan and Net Zero Growth Plan. It recognises that solar has huge potential to help decarbonise the power sector and it reaffirms its target of 70GW of solar power by 2035.

Existing renewable energy developments in North Hertfordshire

- 4.5.35 Solar Radiation maps of the UK show areas of the country receiving higher levels of solar radiation. North Hertfordshire is identified as falling in an area receiving high levels of solar radiation. Solar farms are therefore considered to be reliable sources of renewable energy.
- 4.5.36 Currently in North Hertfordshire there are only two approved small solar farms. One is located between the settlements of Reed and Barkway. The site lies beyond the Green Belt. It covers an area of 14.6 hectares and generates a maximum of 6MW. It was granted planning permission on 28 March 2013 (Application ref. 12/02365/1).
- 4.5.37 Planning permission was also granted in June 2015 for the construction of a 5MW solar farm on about 13 hectares of land at Lawrence End Park to the east of Birch Spring in Kings Walden Parish. This site lies within the Green Belt. (Application ref 15/00845/1).
- 4.5.38 Members have considered two other solar farm proposals recently. Details of these are set out below –
- In November 2022 Members resolved to approve an application for the construction of a 49.995MW solar farm at Land to the North and East of Great Wymondley (application ref 21/03380/FP). As the site was in the Green Belt, the Council were obliged to notify the Secretary of State of their intention to approve the proposal. This application was ‘called in’ by the Secretary of State in May 2023. The application was the subject of a public inquiry in September 2023. The decision will be made by the Secretary of State and is likely to be received earliest Spring 2024.

- In September 2023 Members resolved to defer an application for the construction of a 49MW solar farm at Land West Of Ashwell Road Bygrave (application ref 22/00741/FP). Prior to the consideration of the application the Secretary of State wrote to direct the Council not to grant permission on the application without specific authorisation. This direction was 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. It was also confirmed that the direction should not be read as any indication of the Secretary of State's attitude towards the application scheme. Members resolved to defer the application to seek clarification on technical matters relating to biodiversity, traffic and access, noise and conditions and also to further consider the letter from the Secretary of State for Levelling Up, Housing and Communities relating to the possible calling in of the application.

4.5.39 There are currently no significant renewable energy projects that have been recently consented and are unbuilt at the time of the writing of this report. A planning application for a 49MWe solar farm at Land North East Of Wandon End, Hertfordshire is pending and is likely to be presented to Members for consideration sometime in 2024 (application reference 22/03231/FP).

4.5.40 As part of the consideration process by officers, a Screening Opinion in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) was undertaken in November 2021. This concluded that any environmental effects that are likely to occur as a result of the proposed development could be adequately addressed by specific studies and reports accompanying the current and any subsequent future applications. An Environmental Impact Assessment was not therefore required in this instance.

Green Belt

4.5.41 The site is in the open countryside within the Green Belt. National Policy on Green Belt is set out at Section 13 of the National Planning Policy Framework (NPPF). Paragraph 137 of the NPPF confirms that the Government attaches great importance to Green Belts, where the fundamental aim of policy is to prevent urban sprawl by keeping land permanently open.

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

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

- 4.5.43 The adopted Local Plan *Policy SP5: Countryside and Green Belt* supports the principles of the Green Belt and recognises the intrinsic value of the countryside and confirms that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated.
- 4.5.44 The Wymondley Neighbourhood Plan (WNP) policy forms part of the Development Plan and in relation to Green Belt proposals *policy GB1* applies. This stipulates that development proposals impacting on Wymondley Parish must comply with Government Green Belt policy; primary consideration will be given to effective use of brownfield sites, which are not of high environmental value. Development proposals should not impact negatively on Wymondley Parish – particularly in terms of visual impact on the openness of the Green Belt landscape and its important contribution to the character of our villages/hamlets.

Inappropriate development

- 4.5.45 The starting point for consideration of this application is the development plan. Local Plan Policy SP5 is consistent the national policies on the Green Belt and Policy GB1 of the Wymondley NP requires compliance with the NPPF.
- 4.5.46 Paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal does not fall within any of the exceptions to this approach as set out at paragraphs 149 and 150 of the Framework. The applicant accepts that the proposed development is inappropriate in the Green Belt but considers that there are material considerations in this case that constitute very special circumstances. These will be considered in detail later in this report.
- 4.5.47 Paragraph 148 of the NPPF stipulates that substantial weight must be given to any harm to the Green Belt. ‘*Very special circumstances*’ will not exist unless the potential harm to the Green Belt and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.5.48 NPPF Paragraph 151 confirms that many renewable energy projects will comprise inappropriate development and that in such circumstance if projects are to proceed developers will need to demonstrate very special circumstances. Before considering whether very special circumstances exist, the effect of the proposed development on openness and purposes of the Green Belt are considered.

Openness of the Green Belt

- 4.5.49 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It is proposed that the solar farm would have a lifetime of 40 years after which it would be decommissioned. Whilst 40 years is a long period, the proposal would not be permanent. This is a material consideration given that the essential characteristic of the Green Belt is its openness and permanence. The unusually long temporary period is nonetheless a significant amount of time and

therefore the temporary nature of the proposal should only be given limited weight in the planning balance.

- 4.5.50 The NPPG confirms that there is both a spatial and visual dimension to openness.
- 4.5.51 The applicant addresses the impact of the Proposed Development upon the openness of the Green Belt in the Planning, Design and Access Statement (PDAS) and Landscape and Visual Impact Assessment (LVIA).
- 4.5.52 In the PDAS the applicant asserts that the Proposed Development would result in an incremental impact upon the openness of the Green Belt, which is moderated by the fact that there would be very low physical footprint (about 3% of the site) and the layout and distribution of built form across the Site. The applicant considers that despite the introduction of solar panels across much of the Site with volumetric increase in development, agriculture would continue in the form of livestock grazing. The applicant indicates that spatial impact upon openness has been minimised through keeping the built elements to a minimum necessary to operate the scheme.
- 4.5.53 Regarding the perceived visual impact upon openness, the applicant considers that given the low height of the solar arrays, and that the existing topography and pattern of vegetation limit potential visibility of the Proposed Development. It is considered that there would be intermittent visibility from areas of higher ground on the north-facing valley slopes, but no or very limited visibility from low-lying parts of the valley. The Proposed Development would not be visible from the settlements of St Ippolyts, Titmore Green, Little Wymondley, Stevenage or Hitchin. The applicant concludes that there would be a limited harm to the spatial and visual aspects of the Green Belt resulting from a slight reduction in actual and perceived openness.
- 4.5.54 The applicant has submitted a LVIA with the application, and the Council appointed landscape consultants, The Landscape Partnership, to review this document. The review confirmed that there is clearly an adverse effect on the openness of the Green Belt due to the extensive coverage over the majority of the Site area with solar panels and associated infrastructure extending to 35ha. The council's consultants agree that in terms of visual effects the LVIA identifies there would be a perceived influence on openness as a result of effects on views from the perimeter of the site in the foreground and also in the middle-distance views and that this would be harmful. They also conclude that that effects on the wider landscape are more limited due to the relatively low height of the development but they are still present to the south and south west and this does not negate the greater effects at the local scale.
- 4.5.55 The review also identified a number of additional mitigation measures. These are set out below together with the applicant's responses:

- Easing of slopes of the 2.5 m bund to rear of Redcoats Farm from c 1 in 3 to c 1 in 6 to create a more natural landform and enable planting to establish - a water main prohibits planting or substantial earthworks in the gap between the bund and Redcoats Farm.
- Adding additional planting to the west of Redcoats Farm boundary – this would conflict with an existing water main, obstruct the public right of way and provide limited screening benefits due to location and existing screening.
- Reducing the proportion /or removing blackthorn (currently 30%) in the new hedges to protect public footpath corridors (Footpaths Wymondley 14, 15 and 16) - the reduction the proportion of blackthorn proposed in the new hedgerows is acceptable and this could be agreed by way of planning condition.
- Adding some tree planting to the north-west corner to soften views from residential properties to the edge of St Ippolyts - a 10m wide belt of woodland planting is proposed around the north-west corner of the site that would include a mix of tree species. The detailed planting mix for this woodland belt would be agreed by way of planning condition, and the Applicant would incorporate mature feathered and standard size trees to provide instant screening impact within this woodland belt.

4.5.56 The site where the PV array is proposed comprises arable fields, trees and hedgerows and would extend to about 35 hectares. The development would cover a very large area and would deliver very many rows of solar panels, numerous inverter/transformer cabins, and other buildings in the form of containers, stock/deer fencing, access track and CCTV cameras. Whilst proposed tree and hedgerow planting and management regime would reduce the impact of the proposed development, and the scheme has been amended to enhance landscaping, the proposal would materially change the openness of the site in both visual and spatial terms particularly from public footpaths.

4.5.57 In the circumstances, your officers consider that the extent and nature of the solar arrays and associated buildings would have a significant actual and perceived impact upon the openness of the Green Belt.

Permanence of the Green Belt

4.5.58 An aim of Green Belt policy is to keep land permanently open. Relevant case law and the National Planning Practice Guidance (NPPG) indicate that the permanence of a Proposed Development is a relevant material consideration in terms of impact upon the Green Belt.

4.5.59 The Proposed Development has an operational life of up to 40 years. At the end of which the applicant indicates that the facility would be decommissioned and that the land could be easily returned to its former use without any significant demolition or land remediation. The applicant considers therefore that at the end of its operational life the land would have the characteristics of greenfield land, and as such the Proposed Development cannot be considered permanent in a Green Belt context.

- 4.5.60 Whilst it is not known whether there would be a need for a replacement facility in 40 years, this application should be determined based on what is proposed and that is for a period of 40 years and the eventual restoration of the openness of this part of the Green Belt. This matter can be controlled by condition. Whilst the identified harm to openness would persist for a very long period, albeit mitigated over time by proposed landscaping, the proposal would not result in a permanent loss of openness. However, because 40 years is a significant amount of time only limited weight should be given to the temporary nature of the proposal in the planning balance.

Purposes of the Green Belt

- 4.5.61 As indicated earlier the NPPF sets out five Green Belt purposes:

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

- 4.5.62 As part of the evidence base for the recently adopted Local Plan, the North Hertfordshire Green Belt Review 2016 (NHGBR) divides the Green Belt into areas for assessment of the contribution that respective parcels of land make to the openness and purposes of the Green Belt. The western part of the Site west of Little Almshoe Lane is within Parcel 10 (Little Wymondley). The eastern part of the Site east of Little Almshoe Lane is within Parcel 9 (Langley). This parcel 9 (Langley) is considered to make a moderate contribution to Green Belt purposes whereas Parcel 10 (Little Wymondley) is noted as making a significant contribution.

- 4.5.63 A more refined review is undertaken at Section 3 of the NHGBR where the parcels of land are divided into sub-parcels, which were assessed in the same way as the original larger parcel.

- 4.5.64 The west of the Site is within sub-parcel 10a, the east of the Site is within sub-parcel 9b. Sub-parcel 10a is considered to play an important role in preventing the expansion of Hitchin southwards. It has a critical role in preventing Hitchin and Stevenage merging and protects countryside between Hitchin and Stevenage. There is no direct link with historic core of Hitchin. Overall, it is considered to make a significant contribution to Green Belt purposes with well-defined boundaries, the inclusion of St Ippolyts village, with Ippolyts Brook running through the area. The urbanising influence of Wymondley Transforming Station is noted.

- 4.5.65 Sub-parcel 9b is a gap between Stevenage and Hitchin and forms part of the wider countryside to the west of Stevenage. It helps prevent the expansion of Stevenage westwards. It has no relationship with historic towns. Overall, it has extensive open landscape with rural character despite proximity of A1 (M) and Stevenage. Of note

is the Hertfordshire Way which crosses area. Overall, the sub-parcel makes a moderate contribution to Green Belt purposes.

4.5.66 The applicant has assessed the proposed development for its potential harm to Green Belt purposes, considering the same criteria used for the assessment of development sites within the Green Belt Review. In relation to the purposes of the Green Belt, the following conclusions are reached by the applicant –

- a) To check the unrestricted sprawl of large built-up areas - because the proposed development would be of limited intervisibility with surrounding areas limited harm is thought to occur.
- b) To prevent neighbouring towns merging into one another - because of the physical separation between settlements preventing coalescence, the limited intervisibility between settlements and the Site, and that the existing perceived gaps between settlements would be maintained – no harm is considered to occur.
- c) To assist in safeguarding the countryside from encroachment - the applicant contends that compared to other forms of development, it is less intrusive in the countryside, due to the enclosed nature of the landscape, existing urban features, retention and enhancement of existing landscaping, static nature low height, limited traffic, retained agricultural use and minimal disturbance to the land the applicant assesses that the proposed development would result in limited harm.
- d) To preserve the setting and special character of historic towns - given the physical separation of the site from historic towns – no harm is considered to occur.

4.5.67 Notwithstanding the above, your officers consider that the application site makes a contribution to the purposes of the Green Belt as set out in the table below, the reasoning for this assessment is set out after this table.

Table 1 – Purposes of the Green Belt

Purpose	Effect	Degree of harm
(a)To check the unrestricted sprawl of large built-up areas	An element of urban sprawl to Stevenage but there are intervening buffers	Limited
(b)To prevent neighbouring towns merging into one another	Site within parcels identified as making a significant contribution, However, gaps would remain between the towns of Hitchin and Letchworth and Stevenage	Limited
(c)To assist in safeguarding the countryside from encroachment	The site is undeveloped and the development would result in encroachment – tempered by retention of field pattern, landscaping	moderate

	and form of the proposed development	
(d)To preserve the setting and special character of historic towns	The GB review parcels 9b and 10a make no contribution towards the setting of historic towns. The application site forms part of those parcels and is detached from any of the reference historic towns	None
(e)To assist in urban regeneration, by encouraging the recycling of derelict and other urban land	The site of the solar arrays is not urban and therefore this is not a relevant factor.	Not applicable.

- 4.5.68 The site lies within parcels of land that make both an important contribution to checking the sprawl of Stevenage and Hitchin. Officers consider that a parcel of land does not need to abut a large town for it to contribute to the purpose of checking the unrestricted sprawl of large built-up areas. The site would be close to Stevenage, approximately 1 km to the east. Nevertheless, there are physical buffers between the site and Stevenage, including the A1 (M) and woodland that limit the effect upon this purpose of the Green Belt.
- 4.5.69 The site lies within a parcel of land that has been identified by the Green Belt Review as preventing the merger of Letchworth and Hitchin with Stevenage. Whilst gaps would remain the proposal would diminish the separation of these settlements, albeit to a limited degree. Therefore, officers consider that there would be a limited effect upon Green Belt purposes (a) and (b).
- 4.5.70 The fields upon which the solar arrays and associated buildings and infrastructure would be placed are undeveloped. The site clearly occupies a countryside location. There are some urbanising influences such as overhead power lines in the vicinity and the Wymondley Substation. The existing field pattern would be retained and there would be additional landscaping. The form and nature of the proposal would not have as great an urbanising effect compared to residential or employment development. Nevertheless, the proposed development is inappropriate within the Green Belt and there would be moderate harm to the purpose of safeguarding the countryside from encroachment.
- 4.5.71 The application site makes little contribution to the setting of nearby historic towns due to the absence of intervisibility. The Green Belt review confirms that in respect of both parcels of land, neither have a relationship with existing historic towns. Therefore, it is considered that the proposal would have a no impact upon Green Belt purpose (d) to preserve the special character and setting of historic towns.

4.5.72 As the application site is not urban, officers consider that purpose (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land is not relevant.

4.5.73 Therefore, officers consider that there would be moderate harm to one of the five Green Belt purposes – to assist in safeguarding the countryside from encroachment.

Green Belt conclusion

4.5.74 The proposed development would conflict with development plan and national policy as they relate to the Green Belt. Insofar as the proposed development would be inappropriate within the Green Belt. There would be significant harm to openness and moderate harm to one of the purposes of the Green Belt. In this context the proposal is contrary to policies SP5 of the adopted Local Plan and GB1 of the Wymondley Neighbourhood Plan (WNP). It is considered that the fact that the proposed development would not be permanent means that the Green Belt harm would not be permanent which tempers slightly the overall harm to the Green Belt, given that only limited weight is given to the temporary nature of the proposal. It is therefore concluded that substantial weight should be attached to the totality of harm that would be caused to the Green Belt as required by paragraph 148 of the Framework. Paragraph 151 of the NPPF does not preclude renewable energy projects in the Green Belt, but that elements of such projects will comprise inappropriate development. It confirms that developers will need to demonstrate very special circumstances (VSC) if projects are to proceed. Therefore, unless VSC are demonstrated the proposal will conflict with Local Plan Policy SP5. Due to the wording of WNP Policy GB1, conflict with this policy may remain even if VSC are demonstrated as this policy also indicates that development proposals should not impact negatively on Wymondley Parish – particularly in terms of visual impact on the openness of the Green Belt landscape and its important contribution to the character of its villages/hamlets.

Impact upon heritage assets

4.5.75 Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (The LBCA Act) stipulates that when considering whether to grant planning permission for development which affects a listed building, or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses. Effect upon listed buildings therefore should be given considerable importance and weight. Relevant factors include the extent of assessed harm and the heritage value of the heritage asset in question. The LBCA Act requires special attention to be made to the desirability of preserving or enhancing the character or appearance of conservation areas. There is no reference to their setting.

4.5.76 Paragraph 194 of the NPPF stipulates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting and where a site on which development is proposed includes or has the potential to include heritage

assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 195 of the NPPF confirms that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting their setting) taking account of the available evidence and any necessary expertise.

- 4.5.77 Local Plan (LP) Policy SP13 confirms that the Council will balance the need for growth with the proper protection and enhancement of the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting. Regarding designated heritage assets, LP Policy HE1 stipulates that planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they will, amongst other things, lead to less than substantial harm to the significance of the designated heritage asset and this harm will be outweighed by the public benefits of the development, including securing the asset's optimum viable use. This policy reflects paragraph 202 of the NPPF which confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. WNP Policy NHE9 seeks to protect heritage assets from harm.
- 4.5.78 The application is accompanied by a Heritage Assessment (HA) by the AOC Archaeology Group. This considers the impact of the proposed development upon the setting of the designated heritage assets within a 2km study area. There are no listed buildings or other designated heritage assets within the application site. There are several designated heritage assets within the study area and the setting of has the potential to be affected by the proposals. These assets can be summarised as follows:
- scheduled monuments – Wymondley Priory and Minsden Chapel
 - conservation areas – Gosmore, Great Wymondley and St Ippolyts
 - listed buildings – approximately 28 grade I, II* and II
 - registered park and garden – part of Temple Dinsley
 - variety of other non-designated heritage assets
- 4.5.79 In relation to these heritage assets, the HA confirms that these historically relate to the surrounding agricultural land which forms part of their wider setting in each case. Historic England and the Council's conservation officer have assessed the impacts on assets.
- 4.5.80 Paragraph 200 of the NPPF identifies scheduled monuments and grade I and II* listed buildings as designated heritage assets of highest significance. The NPPF defines the setting of a heritage asset as *"the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its*

surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

- 4.5.81 The National Planning Practice Guidance confirms that although views of or from an asset play an important part of the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as other land uses in the vicinity and our understanding of the historic relationship between places, for example historic or aesthetic connection that amplifies the experience of the significance of each.
- 4.5.82 Historic England (HE) published guidance on setting in 2017 (Good Practice Guidance Note 3) which confirms that the importance of setting is what it contributes to the significance of the heritage asset or the ability to appreciate that significance and sets out ways in which setting may contribute to the value of a heritage asset.
- 4.5.83 HE are a statutory consultee on proposals that affect scheduled monuments and Grade II* listed buildings. HE confirmed that the primary considerations related to the potential impact on the setting of –
- Almshoe Bury – grade I listed
 - Redcoats Farmhouse – grade II* listed.
- 4.5.84 HE have confirmed that both of these buildings have group value with ancillary farm buildings which are listed in their own right at grade II, although these would fall outside of their statutory remit. The application site in its current form is considered to have a relationship with the historic function of these nationally important farm buildings, and therefore contributes to their significance as heritage assets. The proposal would fundamentally change the character and appearance of the wider historic setting of these heritage assets and would detract somewhat upon the way they are experienced and appreciated. HE conclude that it would be likely to result in a level of harm in NPPF terms that they would judge to be *less than substantial*. The visual effects of the proposal could be mitigated to some extent by way of appropriate planting/augmentation of existing hedgerows to screen them from view. On this basis, HE does not wish to raise an objection on heritage grounds and the Council should carry out the balancing exercise set out in the NPPF and be satisfied that the proposal would deliver a level of public benefit that is sufficient to outweigh any harm to significance.
- 4.5.85 In relation to other heritage assets, the HA identifies other assets that potentially are affected. The Council’s conservation officer was also consulted on the proposals in relation to the impact on heritage assets outside HE remit. Comments and observations by third parties have also been taken into account in making an assessment of heritage impacts. There are considered to be seven specific listed buildings which are most likely to be affected by the proposal due to proximity to the Application Site. These are –

- Almshoe Bury – grade I
- Barn at Almshoe Bury - grade II
- Redcoats Farmhouse – grade II*
- Small barn (east) to Redcoats Farmhouse – grade II
- ‘L’ shaped barn (north east) at Redcoats – grade II
- Granary at Redcoats Farmhouse – grade II
- The Wyck – grade II.

- 4.5.86 In relation to Redcoats Farm Hotel and restaurant, there is no clear intervisibility between what is considered to be the inner historic ‘core’ of the site within which the listed buildings are located and the proposed solar farm. However, south from the Redcoats managers property (unlisted) and curtilage and from the overflow staff car park serving hotel to the west, the wider landscape setting to Redcoats can be appreciated. From here there are some intermittent views across the valley to The Wyck (grade II). Even further south and on more elevated ground stands Almshoe Bury (grade I) and a barn (grade II) to the north of the house. The proposal is described as occupying three fields and an historic public footpath dissects the ‘middle field’ into effectively two halves. This field is considered to be the most significant bearing upon the wider setting of Redcoats, The Wyck and Almshoe Bury. These properties had/have a social and functional relationship with the surrounding countryside which contributes to their setting. It is this ‘central’ field that contributes more so to the sense of rolling countryside currently enjoyed by those using the footpath and would be significantly affected by the proposal. The north-western field whilst quite an exposed site when viewed from the position below has less effect upon the setting of heritage assets and is also in part affected by the overhead power lines. Overall, the proposal could be described as effectively sitting ‘between’ a number of heritage assets.
- 4.5.87 It is considered that the proposal (and specifically placing solar PV array on the central and south-east fields) will significantly impact upon the wider agricultural setting of the heritage assets identified above and which the applicant acknowledges “*forms a key element of their settings and contributes to the understanding and appreciation of their significance and placement in the landscape*”. The applicant also acknowledges that whilst “the Proposed Development would not substantially diminish the ability to appreciate the key relationship between the Listed Buildings and their agricultural hinterland,” any harm to their settings would be “*less than substantial*” in terms of the NPPF.
- 4.5.88 Paragraph 199 of the NPPF requires that “... great weight should be given to the asset’s conservation...”. Paragraph 200 states that “... Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”
- 4.5.89 Whilst acknowledging that visibility of the proposed development would be partially limited by existing intervening mature hedgerows, it is still considered that the proposal *would result in moderate/high level of harm on the less than substantial*

harm continuum to the setting of heritage assets. For these reasons, an objection is raised. Of relevance to the assessment of harm is that the proposal would not be permanent and is proposed to be decommissioned after 40 years. Whilst this is a long time, and therefore limited weight is given to this, the current rural setting would return following a restoration to full agricultural use with enhanced landscaping.

Heritage asset conclusion

- 4.5.90 The proposal would be contrary to policy NHE9 of the Wymondley NP. Paragraph 202 of the NPPF and LP Policy HE1 require *less than substantial harm* to the significance of heritage assets to be weighed against the public benefits of the proposal. This harm should be afforded great weight. The balancing of this harm against the identified public benefits will be carried out in the planning balance below along with conclusions on compliance with relevant planning policies and the LBCA Act.

Archaeology

- 4.5.91 The submitted HA also addresses the effect upon archaeology and includes a supporting geophysical survey report. Local Plan Policy HE4 confirms that planning permission for development proposals effecting heritage assets with archaeological interest will be granted provided that:
- (a) Developers submit an appropriate desk-based assessment and, where justified, an archaeological field evaluation;
 - (b) It is demonstrated how archaeological remains will be preserved and incorporated into the layout of that development, if in situ preservation of important archaeological remains is considered preferable; and
 - (c) Where the loss of the whole or a material part of important archaeological remains is justified, appropriate conditions are applied to ensure that the archaeological recording, reporting, publication and archiving of the results of such archaeological work is undertaken before it is damaged or lost.
- 4.5.92 Paragraph 203 of the NPPF confirms that the effect of an application on the significance of non-designated heritage assets should be taken into account in determining the application.
- 4.5.93 The HA submitted with the application identifies the archaeological potential of the application site and assesses the potential for direct impacts of the proposed development upon archaeological remains. The HA reviewed data obtained from the Hertfordshire Historic Environment Record and a variety of other publicly accessible archives. The southern section of the western parcel was subject to a geophysical survey in 2015. In relation to the eastern parcel, a similar survey was undertaken in January 2022. A walkover survey was undertaken in August 2021.
- 4.5.94 The archaeological assessment has identified three known heritage assets within the Site boundary. These assets have been recorded either as cropmarks or through geophysical survey and thus their dates and origins are not clear.

However, the features identified include ring ditches, enclosures, a trackway and a possible ploughed out round barrow and therefore most are likely to be of prehistoric origin. The features recorded in the south-west part of the Site are located within an Archaeologically Sensitive Area as recorded in the Hertfordshire Historic Environment Record. LiDAR imagery of the Site indicates that three negative features may be located within the east of the Site. These may be historic extraction pits or be geological in origin.

4.5.95 The HA concludes the following -

- Prehistoric period – a High potential of remains to survive. The Site is located within a broad glacial valley, cut during the last ice age, known as the Hitchin-Stevenage Gap. Geophysical survey within the western half of the Site has revealed evidence for enclosures, ring ditches and a trackway all of which are likely to date from the prehistoric period. Aerial photographic interpretation of features within the western half of the Site also indicate the presence of prehistoric below ground features. Remains from the palaeolithic throughout the prehistoric period have been identified within this landscape and sites of Neolithic to Iron Age date have been identified and excavated within the 1km study area. The Site does not appear to have been intensively developed and as such any remains would be expected to survive relatively undisturbed.
- Roman period - a Medium potential for Roman remains to survive within the Site. A Roman Road extends within 1km of the Site to the south-east and Roman remains have been identified along the western side of the Road, within the eastern portion of the 1km study area, although there is a paucity of remains within the western portion of the 1km study area
- Non-agricultural medieval, post-medieval and modern periods – a Low potential of remains. The site is documented within agricultural land to the south-west of Redcoats Farm throughout the post-medieval and modern era. Modern Ordnance Survey maps do not record any major changes to the Site in the 20th century. With the exception of evidence for ploughing there is no evidence of modern disturbance within the Site.

4.5.96 The 2022 geophysical survey did not identify any anomalies or features of a definitive archaeological in the eastern parcel. However, four groups of linear anomalies have been identified as being of possible archaeological interest, with further anomalies having unclear origins whereby archaeological interest cannot be ruled out. The survey has succeeded in locating, recording and characterising surviving sub-surface remains within the Site, though more remains may be present that are not suitable for detection through magnetometry.

4.5.97 HCC's Archaeology Advisor has commented consulted on this application. This initial response confirmed the importance of the site due it being located in a topographically suitable location for settlement, in a part of the county that has continually produced very significant archaeological remains from most periods.

The site contains part of an Area of Archaeological Significance (AAS) as identified in the Local Plan and it is adjacent to another. These contain cropmarks shown on aerial photos which may represent prehistoric ring ditches (i.e. the remains of Bronze Age burial mounds). In 2015 a geophysical survey and an archaeological trial trench evaluation were carried out on the western part of the proposed development site (west of Little Almshoe Lane), prior to the determination of planning application ref 15/01532/1. The geophysical survey identified five ring ditches within a large enclosure, apparently with a trackway entering at the south end, in the north-western corner of the site, in the field south of Sperberry Hill. The subsequent evaluation revealed archaeological features in 9 of the 20 trenches opened, with substantial evidence of activity identified in the south-western area of the site, in particular. The dating evidence suggests two phases of significant activity, one dating to the Late Iron Age/Early Roman period (AD10-100). This lay to the east of a probable trackway identified by the geophysical survey and consisted of pits and ditches. The other, comprising post holes, occupation layers and rubbish pits, lay west of the probable trackway and dated to the Early Roman period (AD 50-120).

- 4.5.98 It was noted that the geophysical survey undertaken 2022 revealed several linear trends which are possibly of archaeological origin. These are interpreted as ditches and a possible track. Given the results of the recent geophysical survey and the substantial remains previously identified in the western parcel of the site which correlated with the geophysical results there, this office now recommends that an archaeological trial trenching evaluation be carried out prior to the development commencing as per paragraph 194 of the NPPF. This should target at a minimum all areas where the geophysical survey has identified trends of possible archaeological origin together with the northern section of the western parcel which was not assessed in the 2015 investigative work.

Archaeological conclusion

- 4.5.99 Following confirmation from Herts CC Archaeology that trial trenching can be carried out post determination and secured by an appropriately worded condition, the proposal is considered to be compliant with LP Policy HE4 and paragraph 194 of the NPPF. It is also compliant with WNP Policy NHE9. Therefore, subject to the recommended condition, this matter is neutral in the planning balance.

Landscape and Visual Impacts

- 4.5.100 The Proposal comprises a large-scale solar farm. Given its nature and scale, there will inevitably be some adverse landscape impacts. Within this context, national and development plan policies adopt an approach whereby development should be approved where the harm would be outweighed by the benefits of the scheme. As has already been highlighted in the foregoing parts of this report, the application site and immediate locality is designated Green Belt.

Landscape Character

- 4.5.101 NPPF Paragraph 174 indicates that the intrinsic character and beauty of the countryside should be recognised. Nevertheless, the NPPF does not seek to

protect the countryside for its own sake from development; it concentrates upon seeking to protect valued landscapes. For the avoidance of doubt, the site is not nationally designated protected land such as Areas of Outstanding Natural Beauty (AONB).

- 4.5.102 The NPPF does not define what is a valued landscape, albeit most landscapes are valued by someone at some point. In the light of appeal decisions on this matter it is considered that valued landscape means it is valued because it has some demonstrable physical attributes that would make it more than just open countryside. Representations from local people have confirmed that the countryside within and around the application site is valued. However, while it has some pleasant characteristics, it is not notably above the ordinary and local area. Therefore, officers do not consider the application site to be a '*valued landscape*' in the context of the NPPF.
- 4.5.103 LP Policy NE2 confirms that planning permission will be granted for development proposals that respect the sensitivities of the relevant landscape character, do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation measures necessary to achieve this, ensure the health and future retention of important landscape features and have considered the long-term management and maintenance of any existing and proposed landscaping.

The Landscape Character Assessment

- 4.5.104 Across England 159 National Character Areas (NCA) have been identified and the application site is located within NCA 110: Chilterns and is summarised as comprising '*a patchwork of mixed agriculture with woodland, set within hedged boundaries*'. On a regional level there is an East of England Landscape Framework and assessment has also been undertaken at a County level. The site is located within the Regional Character Area (RLCT 13 Lowland Village Farmlands).
- 4.5.105 The Council published the North Herts Landscape Study as part of our Local Development Framework in 2011 which is based upon the Hertfordshire Landscape Character Assessment and subsequent sensitivity and capacity work. The application site is within two LCAs, the majority of the Site is within LCA 215 Wymondley and Titmore Green and the remaining part to the south-east within LCA 214 Langley Valley.

The submitted Landscape and Visual Impact Assessment (LVIA)

- 4.5.106 The application is accompanied by a LVIA by Axis which identifies the landscape and visual effects of the proposed development. In applying a standard methodology and professional judgement, the LVIA sets out conclusions of the impact of the proposal.
- 4.5.107 The characteristics Wymondley and Titmore Green LCA (215) comprise –
- Rolling chalk landscape

- irregular sized fields in arable with parcels of grazing adjacent to settlements
 - Historic pattern of small winding lanes and historic place names and
 - Mature tree cover
- 4.5.108 In relation to visual and sensory perception, it is described as *‘generally mature, well wooded quality of the area helps to integrate the existing settlements into the landscape, contrasting with landscape engineered for highway infrastructure purposes or to support statutory undertakers plant.’*
- 4.5.109 In relation to rarity and distinctiveness, the study comments that this LCA has a well-established, historic landscape character and is comparatively unusual for its distinctive quality. The substation and associated pylons are mentioned as a detracting feature.
- 4.5.110 The landscape character sensitivity is considered to be of *‘low to moderate sensitivity. The gently undulating arable farmland creates an enclosed character. However, the area has been degraded by a number of factors including the infrastructure and the electricity transformer station.’*
- 4.5.111 In relation to the capacity to accommodate development it is considered that utilities developments *‘are likely to have an impact on the intimate scale and rural character. Large scale developments ...would be highly visible within the Character Area, as well as potentially visible from surrounding Character Areas.’* Overall, the capacity for utilities developments is considered to be low to moderate.
- 4.5.112 In relation to managing change, the Study does not make any specific comment about the acceptability of solar farms although in general terms it confirms that the general approach should be to *‘conserve’*. Where new development is proposed it should avoid visual intrusive locations such as on upper ground or where they would be visible on the skyline. It also encourages the hedgerow restoration and the planting of new vegetation to screen new development.
- 4.5.113 The characteristics of Langley Valley LCA (214):
- Rolling chalk landform
 - Dominant large scale arable farming
 - Smaller areas of grazing on steeper chalk slopes to the south of Hitchin
 - Woodland plantations on most pronounced chalk landscape. Relatively little woodland cover elsewhere.
- 4.5.114 In relation to the visual and sensory perception of the LCA, the study area notes that the *‘valley is a combination of mature, well wooded valley sides in the upper reaches with a wider shallow sided valley washing up against a sub-urban fringe in the north-east. The valley is well defined along its boundary with the Langley scarp to its west’*.
- 4.5.115 Rarity and distinctiveness it is considered to be relatively common to this locality.

The landscape character is considered to be of *'moderate to high sensitivity with panoramic views from vantage points and views along the valleys which are important features with the Character Area.'* The landscape value is considered to be *'moderate low'*.

- 4.5.116 In relation to the capacity to accommodate utilities development there is considered to be low to moderate capacity due to the perceived impact such developments will have on the rural character and extensive views experienced in Langley Valley.
- 4.5.117 Guidelines are provided to managing change. These do not identify a capacity for solar farm development, but this proposal would fall within 'other types of development' and the Study identifies a low to moderate capacity for these, with an overall strategy to protect and preserve.

The submitted Landscape and Visual Impact Assessment (LVIA)

- 4.5.118 The application is accompanied by a LVIA by the applicant's agent – Axis - which identifies the landscape and visual effects of the proposed development. In applying a standard methodology and professional judgement the LVIA sets out conclusions.
- 4.5.119 The LVIA identifies the visual baseline and viewpoints from which people would experience views of the proposed development, presents a narrative on the visual context of the site and judgements on visual value as well as susceptibility and sensitivity of the visual receptors (people experiencing the view). The LVIA undertakes an assessment of visual and landscape effects during the construction phase and operational phases of the development.

Construction Impacts

- 4.5.120 The LVIA acknowledges that the development will result in construction staff, plant and machinery having visual effects on views for users of public footpaths, nearby residents and visitors to Redcoats Farm Hotel. These are considered to be *'a significant although localised and temporary change to the existing views during the construction period'*. Temporary construction lighting particularly has the potential to also impact on residents and visitors to the hotel. This and the other aforementioned impacts could be managed and mitigated in some part by the imposition of a Construction and Environmental Management Plan (CEMP).

Operational impacts

- 4.5.121 The LVIA concludes that in the short term, significant adverse visual effects would be experienced from intermittent locations at the site boundary from within the site and in the south from Mill Hill. In the medium and long-term the magnitude of impact on these locations would lessen due to planting, but significant effects would remain. Significant visual impacts are considered to mostly be highly localised to the Site boundary. From the wider landscape, the proposed development would be visible from intermittent high ground locations to the south-east, south and south-west of the Site at varying distances. At the closest of these locations from Mill Hill, views would be significantly affected on the north facing slopes, however,

from the south-east and south-west, views would be slightly more distant and at a more oblique angle with a greater level of intervening screening. As such, views from further afield are not considered to be significantly affected. At the end of the temporary period the development would be decommissioned reversing the landscape and visual effects. Post decommissioning, it is anticipated that the additional hedgerows and woodland belts that would have established over the life of the project would remain providing some landscape and visual benefits.

Amendments to the landscaping scheme

4.5.122 In response to the Council's landscape consultant's review of the LVIA, a number of revisions were recommended to the landscape proposals. These are set out below together with the applicant's responses -

- a) Easing of slopes of the 2.5 m bund to rear of Redcoats Farm from c 1 in 3 to c 1 in 6 - *a water main prohibits planting or substantial earthworks in the gap between the bund and Redcoats Farm.*
- b) Adding additional planting to the west of Redcoats Farm boundary - *additional planting to the west of Redcoats Farm boundary would again conflict with an existing water main similar to point (a), and also provide an obstruction to the public right of way. When considering the existing views out west from the Redcoats Farm / The Robins western boundary the benefits of this planting are also not apparent; this part of the boundary already benefits from effective existing boundary vegetation and adjoins an area of car parking rather than gardens or residential views. It is therefore considered that the Applicant's approach of locating solar arrays set almost 30m from this boundary, along with intervening hedgerow planting would provide effective long-term screening.*
- c) Reducing the proportion /or removing blackthorn (currently 30%) in the new hedges - *the Applicant would be happy to reduce the proportion of blackthorn proposed in the new hedgerows and this would be agreed by way of planning condition*
- d) Adding some tree planting to the north-west corner to soften views from residential properties to the edge of St Ippolyts - *a 10m wide belt of woodland planting is proposed around the north-west corner of the site that would include a mix of tree species to provide screening and soften views from residential properties to the edge of St Ippolyts. The detailed planting mix for this woodland belt would be agreed by way of planning condition, and the Applicant would incorporate mature feathered and standard size trees to provide instant screening impact within this woodland belt.*

4.5.123 In addition to the above, there are a number of relatively long sections along Sperberry Hill adjacent to the northern boundary to the western parcel as far as the junction with Little Almshoe Lane where currently there is no boundary hedge. New planting here would take a number of years to establish. In the event that planning permission were to be granted, a condition requiring the provision of a temporary screening fabric to lessen the visual impact on road users would be both reasonable and necessary.

- 4.5.124 Whilst the aforementioned changes would be beneficial on landscape character, it should be noted that there would still be significant adverse effects at a local and site scale on landscape character.

The Review of the LVIA

- 4.5.125 The Council commissioned consultants (The Landscape Partnership) to review the application and the submitted LVIA. The findings and conclusions are set in the following paragraphs -

Construction impacts

- 4.5.126 The construction process is predicted to take 36 weeks and would therefore be relatively short-term in duration which would limit the magnitude of change on the receiving environment and visual receptors. The construction activity would represent a significant effect on views from Sperberry Hill, residents at The Robins/Redcoats Farmhouse and for footpath users. There is agreement that such visibility is likely to result in a Large magnitude of change and therefore significant for receptors. However, as the construction period will be for a 36 week period, any significant effects relating to construction - are not considered to be determinative. It is accepted that many of the issues relating to construction stage effects could be covered by an appropriate CEMP condition.

Operational impacts

- 4.5.127 While the locality has some pleasant characteristics it is not notably above the ordinary and local area and ordinary large arable landscape that does not fall within the definition of a '*valued landscape*' for the purposes of the NPPF. The Chilterns Area of Outstanding Natural Beauty (AONB) is located approximately 3.8km to the west. The submitted LVIA scoped out the landscape and visual impacts arising on this AONB on the basis that it would not be significant due to distance, the height and scale of the development and the intervening landform and vegetation pattern. Officers agree that there would not be any impact on the AONB designation for these reasons. The Chilterns AONB boundary is currently the subject of review by Natural England and their consultants. This includes a North Hertfordshire Extension which encompasses land south of St Ippolyts. This review is in its early stages and the Extension remains only a proposal presently. Given this, it is considered to carry limited weight in landscape and visual considerations. In the circumstances, the overall effects on the AONB are considered to be Negligible.

Cumulative Impacts

- 4.5.128 The site faces south and away from Great Wymondley. To the north of Sperberry Hill there is a strong area of vegetation visually and physically separating it from the Great Wymondley site which is approximately 1.7km to the north-east. It is possible that there would be a small level of cumulative effect (likely to be greater in the winter) from the elevated locations such as PRoW Langley 001, part of the Chiltern (Viewpoint 15) if both schemes progressed. However, the Sperberry Hill scheme would be very much the dominant feature from this Viewpoint and if any part of Great Wymondley were visible beyond the intervening woodland – then it

would be a minor and secondary addition. For this reason, the cumulative impacts are not likely to be significant or objectionable in isolation.

4.5.129 The general findings are as follows:

- the effects at the NCA and RCT level would not be significant.
- TLP consider there would be harm to the openness of the Green Belt in spatial and visual terms and also to the purpose of assisting in safeguarding the countryside from encroachment. The levels of visual harm would reduce in the longer term to a degree with the establishment of mitigation planting but not to negate the effect.
- the effects on the landscape fabric largely as a result of the change of land use would be Moderate to Major.
- the effect on the character of the Application Site would be Major and significant at Year 1 and Year 10.
- The effect on the 215 Wymondley and Titmore Green LCA would be Moderate adverse effect on overall at Year 1 and is considered to remain the same at Year 10. The effect on LCA 215 at the local (Study area) scale would be a Moderate to Major adverse effect at both Year 1 and Year 10. This is due the relatively higher sensitivity of the local area that is atypical of LCA 215 overall due to the more open sloping arable landscape with limited enclosure and relationship with other LCAs to the south.
- The effects on the 214 and other adjoining LCAs (209, 210) are relatively less than for LCA 215 but would still be locally significant on part of LCA 214 and in combination with effects on LCA 209 and LCA 210 would be significantly adverse on the Study area overall.
- In visual terms the LVIA identifies that there would be some significant visual effects in the short term at levels of Moderate to Major Adverse on receptors at a number of the identified receptors and these would continue into the longer term in some cases.
- There are some incrementally higher levels of effects at a number of locations as a result of some higher levels of sensitivity from some viewpoint receptors.
- There is considered to be significant effects on the Hertfordshire Way between Mill Hill /Almshoe Bury across the site to Titmore Green and also on users of Footpaths Wymondley 14, 15 and 16 which pass directly through the development.
- The proposed mitigation measures relating to hedge planting, gapping up new tree planting, woodland planting wildflower grassland are considered to be generally appropriate and a positive feature of the scheme in terms of mitigation of the solar park. However, the planting proposals while screening views to the built elements introduce features that obscure attractive longer distance views across the countryside e.g. from Viewpoint 3.
- The Site is considered to have some suitability for solar arrays in terms of orientation. However, it is relatively open to views both at close quarters, including across the Site on rights of way and from wider locations in particular to the south which would provide elevated panoramic views to the solar farm proposals in an otherwise relatively rural landscape. For this reason it is

considered that the landscape character and some visual receptors in the local area would experience significant effects particularly within and close to the Application Site.

- Overall, the Site is considered to have a limited capacity to satisfactorily accommodate a 25MW solar farm covering 35ha without long term significant adverse effects on character and views. This opinion is based on the existing landscape character of the Site and local area and the open views and relationship with rising ground to the south.

Landscape and visual impact conclusion

- 4.5.130 It is considered that the scale and nature of the proposal would result in some inevitable adverse landscape and visual impacts, mostly of a significant nature. The proposed mitigation would deliver some visual and landscape benefits together with some biodiversity improvements to the local environment. The 40-year lifetime of the scheme is a significant period. Following decommissioning of the solar farm there would be no residual adverse landscape effects. Therefore, there would be conflict with LP Policies NE2 and NE12 which seeks to avoid unacceptable harm to landscape character and appearance, during the operation of the solar farm. In relation to the Wymondley NP, there would be no conflict with policy NHE8 which requires native species to be used to maximise biodiversity benefits. Overall, therefore it is considered that initially (and in excess of 10 years) the visual and landscape harm would be significant weight in the planning balance with moderate benefits arising in the later stages of the temporary period and post decommissioning.

Impact upon the local highway network

- 4.5.131 The application site is currently served by three gated field accesses. Access to the western parcel of the site is provided off the northern section of Little Almshoe Lane. Access to the eastern parcel is provided via a separate point off of the northern section of Little Almshoe Lane and also from the Stevenage Road immediately east of Redcoats Farm Hotel. Little Almshoe Lane is a minor rural access that runs in a north – south orientation and which is subject to the National Speed Limit (60mph). Stevenage road connects to Sperberry Hill and Blakemore End Road in the west and north respectively. The road is subject to the National Speed Limit (60mph).
- 4.5.132 A Transport Statement has been submitted with the application which explains the anticipated transportation and highways impacts arising from the proposed development. It assesses the traffic generation of the construction phase only, which would take about 36 weeks as once operational trips to the site would be limited to the occasional light goods vehicle for maintenance and would be very minor in nature. Construction-related traffic would access the site to and from the B656 via Sperberry Hill. Access for construction traffic would be via the existing farm access track off Stevenage Lane, adjacent to The Farmhouse at Redcoats hotel. Construction traffic would then route through the site via a one-way system to egress the site onto Little Almshoe Lane, before re-joining Sperberry Hill in order

to return to the B656. The majority of construction traffic is likely to leave the strategic road network at Junction 8 of the A1(M).

- 4.5.133 In relation to deliveries, it is anticipated that the total number of two way trips requiring access to the development site would be approximately 1,122 across the 36-week construction period. The majority of the deliveries would relate to the delivery of aggregate (520 two-way deliveries) for the construction of site compounds and internal access tracks. It is anticipated that all aggregate would be brought to the site within the first 4-6 weeks of the construction period. For the remainder of the construction period (32 weeks), there would be a total of 662 two-way deliveries of other (non-aggregate) materials.
- 4.5.134 In addition to the above, there will also be approximately 80 staff requiring access to the site per day. During peak activities, the number of construction related staff could rise to 120. It has been assumed that the average vehicle occupancy rate per staff vehicle would be 2 and so the number of trips made by staff per day would be 80 two-way trips on average, and a maximum of 120 two-way staff trips during peak activities.
- 4.5.135 In total, it is estimated that there would be a maximum of 144 two-way movements per day on average during peak activities within the first 4 weeks. This is inclusive of delivery related movements and staff trips. For the remainder of the construction period (32 weeks), there would be a maximum of approximately 124 two-way movements per day on average during peak activities, again inclusive of delivery-related movements and staff trips. This equates to an average of 12 additional 2-way movements per hour throughout the working day, or approximately one additional vehicle movement every 5 minutes. This level of trip generation is therefore considered to be negligible.
- 4.5.136 The Transport Statement confirms that the visibility splays would be achievable for the access points. Swept path analysis has been undertaken and confirms that the local highway network to the site can satisfactorily cater for construction related vehicles requiring access to the site. Each parcel of the site provides adequate spaces/areas to allow construction traffic to enter and exit the site in a forward gear. A Construction Traffic Management Plan (CTMP) would be reasonable and necessary to manage and mitigate against the impacts of construction related traffic. This could be secured by condition in the event planning permission were to be granted.
- 4.5.137 In its initial response, Herts CC Highways sought further information from the applicant on specific highway details including geometry, gradient and construction layers of the reconfigured field accesses to safely join the adjacent carriageway. The applicant's highways consultant and Herts CC Highways discussed these issues. Subsequently clarification was provided on the one way system proposed for construction traffic, the temporary intensification and management of the Sperberry Hill / Little Almshoe Lane junction by HGVs and overall safety of highway users. This additional information was considered by the Herts CC Highways and

subject to conditions, it now raises no objection to the proposal. In highway terms, the proposal is considered to be in accordance with LP Policy NE12. This matter weighs neutral in the planning balance.

Best and Most Versatile (BMV) Agricultural Land impact

- 4.5.138 Local Plan Policy NE12 seeks to determine applications for solar farms on the best and most versatile land (BMV) in accordance with national policy. Government guidance stresses a preference to develop solar farms on brownfield or degraded land over greenfield land. Agricultural land is classified from Grade 1 to 4, with Grade 1, 2 and 3a being considered BMV agricultural land.
- 4.5.139 The application is supported by a Agricultural Land Classification Survey by Soil Environment Services Ltd. This concluded that approximately 18ha (52.95%) is Grade 2 BMV and 16ha (47.05%) is Grade 3a BMV. As such the Site is considered BMV agricultural land in the context of the NPPF and NPPG. It is noted that a high proportion of agricultural land across the district is BMV.
- 4.5.140 Policy NE12 of the adopted Local Plan states that proposals for solar farms involving the best and most versatile agricultural land will be determined in accordance with national policy. Paragraph 174 part (b) of the NPPF requires consideration of the economic and other benefits of the best and most versatile agricultural land. Footnote 58 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. National Planning Policy Guidance (NPPG) also encourages the siting of large-scale solar farms on previously developed and non-agricultural land provided it is not of high environmental value.
- 4.5.141 However, more recent guidance set out in National Planning Statements (NPS) in relation to national energy projects over 50MW confirms that land type should not be a predominating factor in determining the suitability of the site location. In its response, Natural England confirms that the proposed development, given its temporary nature, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. The solar panels will be mounted on metal frames set into the land with a minimum of 800mm separation between the ground and the bottom of panels allowing the use of the land for the grazing of sheep. With the exception of some small areas of the site which will be used for plant, equipment and access tracks the majority of the land would still be used for some agricultural purposes during life span of the solar farm and would not be permanently lost. The continued use of the site for agricultural purposes could be secured by conditioning the submission and agreement of a grazing management plan in the event permission were to be granted.

- 4.5.142 It is understood that current government farmland management schemes, amongst other things, encourages farmers to take land out of production and put it to grass, meadows, or trees for carbon capture. The resting the land from intensive agriculture is recognised to give the land the opportunity to regenerate, improving soil health by increasing the organic matter and improving soil structure and drainage.
- 4.5.143 It should be noted that the specific way agricultural land is used is not a matter that is controlled under the planning system. As such, there would be nothing in planning terms to prevent the landowner using the site for the grazing of sheep at present or even leaving it fallow. Given this, the fact that the proposal would limit the ability to carry out any arable farming does not mean that it results in the loss of agricultural land when it can continue to be used albeit for other agricultural uses.
- 4.5.144 In relation to food security, it is confirmed that there are no national or local policies, guidance or strategies that relate to food security and production. The most recent policy paper 'Government food strategy' (June 2022) confirms that the level of food production in the UK is good and that there is currently a '*high degree of food security*'.
- 4.5.145 Soil is a finite resource and which plays an essential role within sustainable ecosystems, performing an variety of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. Natural England have recommended that any grant of planning permission should be made subject to conditions to safeguard soil resources.
- 4.5.146 Weighing in favour of the proposal is that the applicant proposes to improve the biodiversity potential of the application site through biodiversity improvements including the planting of trees, hedges and grassland and this is a matter addressed in considering the benefits of the proposed development.

Conclusion on impact on BMV Agricultural Land

- 4.5.147 The proposal would not result in the permanent loss of BMV agricultural land and an agricultural use would continue albeit livestock grazing, which is viable in tandem with solar energy production. This is likely to result in a reduction in productivity and flexibility of the land for agricultural purposes for the duration of the solar farm. In addition, the Site would eventually be able to be restored to full agricultural use with enhanced biodiversity. In this context, the proposal is compliant with Local Plan Policy NE12. The proposal is considered to result in a change of agricultural use of the land for the duration of the operational period of the solar farm and although harmful, it would be limited in the planning balance.

Flood Risk and Drainage

- 4.5.148 Local Plan policies SP11 and NE7 seek to ensure that development does not result in unacceptable flood risk. Policy NE8 encourages the use of Sustainable

Drainage Systems. Policies FR1 and FR2 in the Wymondley Neighbourhood Plan seek to address flood risk and management thereof.

4.5.149 The applicant provided a Flood Risk Assessment (FRA) with the application prepared by Weetwood. The FRA confirms that –

- the development is located outside the 1 in 1,000 Annual Exceedance Probability flood outline and is therefore defined by the NPPF as being situated within flood zone 1.
- As the site is in flood zone 1, the sequential test is deemed to have been addressed and the exception test need not be addressed.
- The flood map for planning shows the site to be at low risk of flooding from rivers. The majority of the site is at a very low risk from surface water/small watercourses, with the exception of two overland flow pathways
- where the risk is assessed to be low to high. The site is assessed to be at a negligible risk of flooding from reservoirs, canals or other artificial sources, and at a low risk of groundwater flooding.

4.5.150 The FRA concludes that the proposed development may be completed in accordance with the requirements of planning policy subject to the following measures -

- i. Flood pathways associated with surface water runoff or runoff associated with small watercourses should not be obstructed by any buildings/hardstanding areas or associated infrastructure.
- ii. Existing drainage ditches should be retained. Any new crossings should maintain existing conveyance capacity.
- iii. The area under the drip line of the solar panels should be seeded with a suitable grass mix.
- iv. The proposed maintenance track should be constructed from permeable aggregate.
- v. Infiltration trenches should be implemented to promote surface water runoff generated by the relatively small roof areas and other impermeable surfaces
- vi. his site falls within Flood Zones1.

4.5.151 The LLFA originally objected to the proposal for a number of technical reasons. Discussions between the Lead Local Flood Authority (LLFA) and the applicant's flood consultants resulted in an addendum and technical note to the FRA being submitted in November 2022 and September 2023 respectively. Following re-consultation, the LLFA confirmed that whilst the majority of issues were could be controlled by condition, the technical note did not address issues relating to surface water discharge from the application site. Discussions between the LLFA and applicant are ongoing and an update on this outstanding point will be given at the meeting.

Conclusion on flood risk

4.5.152 Subject to the outstanding technical issue being addressed satisfactorily and the LLFA confirming that they withdraw their objection, the development is considered to accord with Local Plan policies SP11, NE7 NE8 and Neighbourhood Plan

Policies FR1 and FR2. The inclusion of two attenuation basins should provide some benefit and this matter is considered to carry limited benefit in the planning balance.

Noise

- 4.5.153 Local Plan Policy D3 seeks to protect the living conditions of existing residential properties. The proposal will result in likely noise impacts during both the construction and operational phases of the development. A Noise and Vibration Assessment (NA) prepared by Noise Vibration Consultants Ltd Officers carried out by a qualified acoustician affiliated to the Institute of Acoustics the UK's professional body for those working in acoustics, noise and vibration. This considered the noise impacts during both the construction and operational stages of the development. The NA is informed by background noise data collected by the applicant's noise consultant at four locations in areas of typical background sound.

Construction noise

- 4.5.154 In relation to construction noise, the NA considers impacts arising from the 36 week construction period. Construction activities would take place 7 days per week during the following days and hours:

- Monday to Friday 07:30 – 18:00; and
- Saturday - Sunday 08:30 – 18:00

- 4.5.155 Deliveries and noise generating activities would only take place from Monday – Saturday (inclusive) within the following hours:

- Monday to Friday 07:30 – 18:00;
- Saturday 07:30 – 13:00; and
- No deliveries on Sundays with the exception of one-off abnormal loads or large vehicles such as cranes.
- Piling would only be undertaken between 09:00 – 17:00 each day Monday – Friday.

- 4.5.156 The NA identifies a range of noise impacts from traffic, plant, machinery and other activities. It confirms that *“The noise on activities during the construction of the site would vary throughout the day and would depend on the particular work being undertaken. The highest noise levels are likely to be created during site preparation, infrastructure activities and the PV Installation. This would be within the level of noise normally found to be acceptable for an activity of this type and duration. During periods when plant is at closest approach to NSRs the guidance threshold could be exceeded and therefore noise mitigation measures are proposed.”* It goes on to list a range of mitigation measures (paragraph 5.3.10) that should be included in a Construction Environmental Management Plan (CEMP). The Council's Environmental Health Officer agrees that that it would be feasible, in principle, to achieve construction noise levels that are generally at or below the target noise levels required by Code of practice for noise and vibration control on construction and open sites – Noise (BS 5228). Mitigation measures should be

delivered through a CEMP which can be secured by condition. Other conditions recommended seek to restrict the days and hours of noisy construction work and HGV and articulated vehicle deliveries.

- 4.5.157 In relation to the Redcoats Farm Hotel, it is appreciated that this adjoins and is in juxtaposition to the proposed site. Hotels by nature are reliant, to an extent, on the setting of their venues and, in this case, the outdoor and garden spaces are essential and integral areas that should be protected from more general noise and disturbance during the construction phase of the development. This is most critical during the summer months and between Fridays and Sundays when the hotel is likely to be at its busiest. In drafting the CEMP, particular consideration should therefore be given to protecting the general amenity levels of the hotel staff, guests and the residents of the manager's dwelling. In addition to the mitigation measures already identified in the NA, a range of specific measures to limit and control construction impacts on Redcoats Farm Hotel would be reasonable and necessary. Such measures should include but are not limited to - the use of temporary acoustic fencing adjacent to the party boundary from Stevenage Road access, the use of Little Almshoe Lane access for non-HGV traffic (access and egress – subject to Stage 1 Road Safety Audit) and excluding high noise generating activities within the northern section of the eastern parcel between Fridays and Sundays.

Operational noise

- 4.5.158 Regarding noise from the operation of the solar array, the NA identifies the potential noise sources comprising inverters, battery storage, cooling systems and transformers. The NA has used typical site operating noise levels from established empirical data from other similar solar operations to provide baseline data for the noise model. The results show that the noise arising from the site operations would be below the representative background sound level during both the day and night-time periods. Overall, the noise from the operation of the site is likely to result in low impact. The methodology and findings reached on this technical matter have been carried out in accordance with the necessary standards and guidance. In reviewing the submitted assessment, the Council's Environmental Health Officer has confirmed that she has previous experience of assessing developments of this nature.

Conclusion on noise

- 4.5.159 Subject to conditions to secure a CEMP and limitations on the days and hours of operation, there is no objection to the proposals from a noise perspective. The proposal is therefore considered to comply with LP Policies D3 and NE12. Officers consider that the noise impacts of the proposed development are neutral in the planning balance.

Ecological and biodiversity impacts

- 4.5.160 Local Plan policies SP12 - Green infrastructure, biodiversity and landscape, Policy NE4 - Biodiversity and geological sites and NE6 - Designated biodiversity and geological sites - seek to protect, enhance and manage the natural environment.

Policy NHE2 – Biodiversity’ in the Wymondley NP seeks net gains and is also therefore relevant.

4.5.161 The 2021 Environment Act introduced an automatic requirement for every planning permission granted to achieve a 10% Biodiversity Net Gain (BNG). However, it has recently been announced that this statutory requirement will not be implemented until January 2024.

4.5.162 In relation to ecology, the application is supported by a Ecological Assessment Report by Avian Ecology. This Report involved desk study and habitat survey. It confirms that the Site does not lie within any statutory or non-statutory designated site for nature conservation. Whilst there are a number of priority habitats within 500m of the Site there was no irreplaceable habitats found.

4.5.163 In relation to species and habitats the findings comprised –

- Amphibians – the site has limited potential to support amphibians.
- Badgers – no evidence of badger activity on the site. Pre-works checks are recommended.
- Bats – there is limited potential for roosting within the site. The habitats within the site are valued to be of moderate importance for foraging and commuting bats. Mitigation measures are recommended.
- Birds – common bird species associated with farmland landscapes are noted. Mitigation measures are recommended.
- Flora - no notable plant species were observed during the survey.
- Dormouse – limited potential to support dormouse due the absence of connectivity.
- Reptiles – site has limited potential to support reptiles. New hedgerows will enhance reptile habitats.
- Invertebrates - Invertebrate species within the Site are considered to consist of common and widespread species typical of a farmland landscape. New hedgerows will enhance invertebrate habitats.
- Hedgehogs and hares - potential for disturbance during construction. New hedgerows will enhance habitats.
- Invasive plants - no species listed on the Schedule 9 of the Wildlife and Countryside Act (1981 amended) were noted on-site during the site survey.

4.5.164 The proposals would include wildlife friendly fencing which would include points within the proposed fencing where wildlife can enter the site from the ground. Specific details of these measures could be secured by condition in the event planning permission is granted.

4.5.165 Herts CC Ecology (HCCE) were consulted on this application and have confirmed that they have no reason to disagree with the assessment that the development will result in minimal ecological impact. It notes that mitigation measures are set out in the report at paragraph 5.1. It is considered that the development can be

conditioned to secure the relevant mitigation in the event planning permission is granted.

4.5.166 In relation to Biodiversity Net Gain (BNG), currently local plan policy requires developments to deliver an unspecified improvement over baseline. The submitted BNG metric confirms that the proposal will result in a 131.16% increase for habitat (area) derived units and a 155.56% increase for hedgerow (linear) derived units. These improvements comprise of the following -

- Grassland within the perimeter/stock fencing suitable for sheep grazing, with a sward comprising a broad selection of grasses, herbs and clover that are productive for livestock, and which provide pollen and nectar for biodiversity benefit;
- Species-rich grassland between field boundaries and perimeter/stock fencing to contribute to enhancing hedgerow buffer zones for improved ecological connectivity;
- Native-species woodland planting approximately 10m wide along the northern and north-western boundaries of the northern part of the Site
- New native-species hedgerows alongside roads and historic field boundaries to help with ecological connectivity;
- Gapping up of existing hedgerows around and within the Site which are generally in a poor and declining condition, to improve their function as ecological corridors.

4.5.167 HCCE has confirmed that the biodiversity improvements are acceptable and the finer details of this should be delivered by way of a Landscape and Ecological Management Plan (LEMP). This could be secured by condition in the event planning permission were to be granted.

Conclusion on ecology and biodiversity

4.5.168 Officers consider that subject to the recommended conditions, the proposed development would not result in harm to habitats or species. The proposed development will deliver significant Biodiversity Net Gains. Overall, it is considered by officers that subject to recommended conditions, on balance, there would be no harm to species and habitats and BNG benefits, would weigh moderately positive in the planning balance.

Fire Risk

4.5.169 Objectors have raised fire risk, in relation to solar farms. There have been reported cases of fires at solar farms.

4.5.170 The British Research Establishment National Solar Centre (BRE NSC) was commissioned by the Department for Business, Energy and Industrial Strategy to lead a three-year study on fires involving solar photovoltaic (PV) systems. The BRE NSC consider that there is no reason to believe that the fire risks associated with PV systems are any greater than those associated with other electrical equipment.

- 4.5.171 The applicant has indicated that fire suppression systems will be in place in the buildings housing batteries and transformers. A condition requiring the submission and approval of a Fire Management Plan in the event that planning permission is granted would be both reasonable and necessary. This is a typical way of addressing fire risks arising from such a development.

Conclusion on fire risk

- 4.5.172 There is no evidence to show that there would be a high risk of fire at the proposal. Given that fire suppression measures would be in place it is considered that the fear of fires occurring cannot form a basis for refusing planning permission and this matter does not weigh against the proposal but is neutral in the planning balance.

Other matters

- 4.5.173 **Alternative renewable energy sources – wind, tidal and off-shore wind and solar** - have been suggested by various objectors. Officers consider that given the scale of such schemes and the amount of energy generated by them they make an important contribution to renewable energy production in the UK. However, such renewable energy schemes would not be able to contribute towards renewable energy production in North Hertfordshire and meet the Council's carbon zero aims for the District. Moreover, a good mix of renewal energy generation is desirable in meeting the needs of the district and the UK and solar farms are part of that mix. The ability to generate renewable energy from other renewable sources does not weigh against the ability to generate renewable energy from solar farms.
- 4.5.174 **Alternative sites** - previously developed land, brownfield sites, low grade agricultural land, existing and new building rooftops, railway land, motorways have been cited as being more appropriate for solar development. The Framework explains that when dealing with planning applications, planning authorities should not require a developer to demonstrate a need for low carbon or renewable energy projects, and should recognise that even small-scale projects can help reduce greenhouse gas emissions. It is possible to deploy PV panels in other situations as cited above. However, this does not justify the refusal of planning permission for solar farms, given the current significant shortfall in renewable energy production in North Hertfordshire from such existing schemes. In all likelihood, renewable energy proposals in a variety of forms and locations are going to be required to help meet the necessary renewable energy generation targets. Whilst the National Planning Practice Guidance set out a preference for locating solar farms on previously developed land and buildings, this does not equate to a sequential test whereby other land or buildings cannot be considered. It is understood that site selection is determined by four key factors – the capacity within the nearest National Grid substation, limited solar curtailment, available nearby land with a willing landowner and a formal agreement to connect to the National Grid. It is also confirmed that there is no policy requirement for the energy produced to be “needed” or used “locally”.

4.5.175 **Residential amenity (including Redcoats Farm Hotel)** – St Ippolyts village lies immediately north of the application site. The nearest dwellings to the application site are located along Sperberry Hill, Tittendell Lane and Little Almshoe Lane. The distance between these various properties and the closest panels and associated infrastructure, together with the existing and proposed intervening landscaping, means that there would be limited visibility from residential curtilages. Whilst the development will alter the outlook from some properties, none would experience views which would make them unattractive places to live. In relation to the pole mounted CCTV cameras, it is confirmed that these will generally have one pan-tilt-zoom camera focussed along the boundary of the Site. At certain locations two cameras would be deployed so that they can be targeted on specific locations. All cameras would operate using infra-red technology and as such no additional lighting would be required. It is unlikely that the CCTV cameras will result in any loss of privacy to dwellings. Nonetheless, in the event that planning permission were to be granted a condition to restrict camera views would safeguard nearby residential occupier's amenity. In relation to the Redcoats Farm Hotel, noise impacts arising have already been identified in the foregoing section of this report. In addition to mitigating these noise impacts, there is potential for impacts from temporary lighting. Details of the location, height and switch off arrangements for these should be included in the CEMP to ensure nuisance is minimised for the guests and staff of the Hotel. In summary, the proposal does not result in any unacceptable harm on living conditions of residential properties. In relation to the operational period, it is confirmed that no areas of the site would be continuously lit with only infrared activated lighting installed on the DNO Substation building, Switchroom building, Control Centre and transformer station. In relation to the impact on air quality, it is confirmed that the site is not within a designated Air Quality Management Area. Whilst the development will result in additional traffic to the locality, the open nature of the area and the temporary nature of the additional traffic for the duration of the construction period is not considered to give rise to unreasonable air quality impacts. This has been confirmed by the Council's Environmental Health Officer. Given the foregoing, there is not considered to be any conflict with LP Policies D3 and D4 and this matter would weigh neutrally in the planning balance.

4.5.176 **Glint and Glare** – The Glint and Glare Assessment provided with the application assesses the potential for said effects on receptors comprising London Luton Airport, Rush Green airstrip, nearby residential properties and a range of road receptors. The primary potential for impacts would be for vehicle drivers along a 300m stretch of Sperberry Hill although in a worse cast scenario this is considered to be low and does not warrant mitigation. Notwithstanding this conclusion, a temporary screening fabric is recommended along this stretch of Sperberry Hill to mitigate other visual impacts for road users. Paragraph 4.5.123 of this report refers. In relation to other potential receptors, it is concluded that due to the existing screening and / or proposed screening in the landscape, there would be no significant glint and glare impacts that require mitigation or further consideration.

4.5.177 **Farm Diversification** – paragraph 84 of the NPPF gives in principle support in principle for the diversification of agriculture. Supporting information confirms that

increased energy costs fuels, fertilisers, and feeds are affecting farms across the UK. This in combination with the less predictable yields year-on-year because of the increased frequency of extreme weather events is affecting the viability of many farms. The NFU support the proposal confirming it aligns with their aspiration for net zero for the agricultural sector. It also confirms that renewable energy projects which can yield significant income streams to support profitable and resilient agricultural businesses. As is already noted, the use would be temporary and it allows for continued agricultural use through livestock grazing.

4.5.178 **Soil contamination and management** – concerns about ground contamination have been raised by some responders. Potentially this could occur during the different phases of the development – construction, operational and decommissioning. Natural England have recommended conditions to deal with protection of soil protection and this has already been considered in this report under ‘Best and Most Versatile (BMV) Agricultural Land’. Conditions can be imposed to ensure that soil is protected and managed for the duration of the development.

4.5.179 **Section 106 matters and community benefits** – these have been raised by interested parties. The applicant does not propose any benefits as part of the application. In any event, such benefits or contributions would probably not meet the tests set out in the Framework and the CIL Regulations for planning obligations, as they would not be *necessary* to make the development acceptable in planning terms nor would they be *directly related* to the development. However, the applicant has indicated that it would be willing to enter into discussions with the local community about benefits. Such discussions and agreements would be independent of the Council and its officers.

4.6 Planning Benefits

4.6.1 The submitted Planning, Design and Access Statement argues that there is a compelling need for the upscaling of renewable energy across the UK and within North Herts district to meet national and local net zero targets. The proposed development would contribute towards meeting those targets. The applicant also cites several factors which, when taken cumulatively, constitute ‘very special circumstances’ and justify the proposal in the Green Belt. These are set out in the following sections of this report.

Meeting the Challenges of Climate Change and Flooding

4.6.2 The applicant reiterates that the NPPF seeks to support renewable and low carbon energy and associated infrastructure and that to help increase the use and supply of renewable energy plans should provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily. The applicant also points out that paragraph 158 of the NPPF states that LPAs should not require applicants to demonstrate the overall need for renewable or low carbon energy. Nevertheless, the submitted Planning, Design and Access Statement sets out that need as part of the ‘Very Special Circumstances’ case.

Renewable Energy Generation

- 4.6.3 A solar farm of this scale would undoubtedly make a positive contribution to renewable energy, and it is salient to note that paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy. Nevertheless, a need has been identified to address Green Belt policy.
- 4.6.4 The Wymondley Neighbourhood Plan at paragraph 3.7 sets out that the plan has been developed with a view to move to a low carbon economy, referencing the three dimensions of sustainability.
- 4.6.5 The Government and the Council recognise that climate change is happening through increased greenhouse gas emissions and that immediate action is required to mitigate its effects.
- 4.6.6 The Climate Change Act 2008, as amended, sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero by 2050. Recently, the Government committed to reduce emissions by 78% compared with 1990 levels by 2025. The Clean Growth Strategy 2017 anticipates a diverse electricity system based upon the growth of sources of renewable energy.
- 4.6.7 National Policy Statements (NPS) are a material consideration for the determination of major energy infrastructure (>50Mw) which would be determined by the Secretary of State. However, it is considered that regard may be given to these in the determination of smaller projects by district councils. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. Whilst NPSs EN-1 and EN-3 do not refer to solar power as such, they nevertheless reiterate the urgent need for renewable energy electricity to be delivered. Draft updates to NPSs EN-1 and 3 confirm that as part of the strategy for the low-cost decarbonisation of the energy sector, solar farming provides a clean, low-cost source of electricity.
- 4.6.8 The Energy White Paper of December 2020 stipulates that setting a net zero target is not enough: it must be achieved, partly through how energy is produced and confirms that solar is one of the key elements of the future energy mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener which seeks the accelerated deployment of low-cost renewable generation such as solar.
- 4.6.9 The development has a capacity of 25Mw, which would generate a significant amount of electricity from a clean, renewable source. This would provide for a reduction of about 10,000 metric tonnes of carbon dioxide emissions and meet the energy needs of around 7,000-8,000 homes, which is comparable to more than half of the number of new homes planned in the current Local Plan or about 13% of existing homes within North Hertfordshire at the start of the emerging Local Plan period. In addition, Government data shows that the proposed scheme would more than double the installed renewable capacity in the District.

- 4.6.10 Further to this, the applicant makes the case that the National Grid Wymondley Substation requires additional generation inputs to allow it to manage flows due to the high demand in the area.
- 4.6.11 It is considered therefore that the proposed development would make a very substantial contribution to renewable energy generation in the District. This is a benefit to which it is considered very substantial weight should be attributed.

Urgent Local Need

- 4.6.12 The applicant sets out the case that there is urgent need for the development in this location.
- 4.6.13 The Council declared a Climate Emergency on 21st May 2019, and this is followed up with the publication of a Climate Change Strategy 2022-2027. As part of the Climate Change Strategy, the Council set the ambitious objective of achieving net zero across the district by 2040, which goes beyond Government targets, where net zero is targeted nationally by 2050. Currently the Council has no detailed strategy to measure or understand the deliver and progress towards its 2040 net zero target.
- 4.6.14 Government data for electricity use within North Hertfordshire shows that in 2020 the district used a total of 482 GWh of electricity, and that in the same year only 53.3 GWh of electricity was generated in North Hertfordshire from renewable sources, which is just 11.1%. The National Grid indicates that nationally about 43% of our power comes from renewable sources. The district's deficit in renewable electricity generation as of 2020 was 428.7 GWh.
- 4.6.15 At the time of writing this report, the Council has four applications for solar farms totalling 175MW. Of these, two have been considered by Members at Great Wymondley and Bygrave although neither have been consented (see paragraphs 4.5.38 & 39 of this report for more details). During the Public Inquiry recently held by the Secretary of State in September in relation to the Great Wymondley proposal, the applicant of that scheme confirmed that since 2019 no other grid connection agreements have been secured within the district, other than for the four current submitted schemes. It is understood that although other substations across the district and adjacent to the district boundary have potential capacity to accept additional electricity generation, the absence of any grid connection agreements indicates there are technical constraints that prevent a scheme from being viable currently. In the circumstances, it seems that in the short to medium term, there are unlikely to be further applications for large scale solar farms within the district.
- 4.6.16 The applicant considers that the proposal will deliver a significant renewable energy contribution and help meet the Councils ambitious objective of achieving net zero by 2040. Moreover, the demand for electricity is predicted to increase as the decarbonisation of the electricity network evolves and this is likely to significantly increase the current deficit and is likely to continue to grow through the period to 2040.

- 4.6.17 Currently no energy is generated in the district from onshore wind, hydro, sewage gas, municipal solid waste, animal or plant biomass or cofiring. The anaerobic digester at Bygrave Lodge has an installed capacity of approximately 2.7MW. The only renewable energy source other than solar that could be scaled up significantly to meet the electricity need in North Hertfordshire is onshore wind, which would not be without its own landscape and visual impacts. Also, the likelihood of any applications for on shore wind farm development being made are unlikely given the current national policy position which makes it difficult to obtain permission (paragraph 158 of the NPPF and associated footnote 54 refer). It is understood that only 16 new turbines were granted planning permission in England between 2016 and 2020 — a 96 per cent drop on the previous five years.
- 4.6.18 The Applicant states that the Proposed Development, almost double the existing renewable energy generation capacity in North Hertfordshire and make a significant contribution to the Council's objective to be net zero within the district by 2040.
- 4.6.19 It is considered that there is an identified and urgent need to increased renewable energy generation in North Hertfordshire.

Energy Security

- 4.6.20 The Applicant asserts that the current cost of living crisis is being primarily driven by increases in the wholesale prices of gas and other fossil fuels imported into the UK. The effect of this is the number of households living in fuel poverty has increased dramatically. Estimates released by the Child Poverty Action Group suggest almost 40% of households in the UK were living in fuel poverty by May 2022. Solar farms, such as the one proposed, are therefore not only a clean alternative to fossil fuels, but also decrease the country's dependency on imported energy, helping to deliver stable energy prices that are independent of international fossil fuel markets.

Need for Green Belt Location

- 4.6.21 The applicant states that it is an essential requirement for solar farms to be proximate to an existing substation which has the available capacity to import the required amount of power into the National Grid. In addition, schemes must be located close to the identified substation to remain viable both in terms of cable deployment for the grid connection, and to ensure that minimum transmission losses occur. The applicant considers that for a typical site, the maximum grid connection length before a scheme is no longer viable is approximately 4km from the substation, with costs increasing as distance from the substation increases within this 4km. In this case, the applicant confirms that the grid connection route for the proposed development follows the local road network and is about 0.8 km away from the substation.
- 4.6.22 In addition to grid connection, solar curtailment is a factor that affects location. Solar curtailment is the deliberate reduction in output below what could have been

produced in order to balance energy supply and demand, which results in the loss of potentially useful energy. Curtailment can be addressed by building new power lines or, in this case, providing battery storage.

- 4.6.23 The applicant has presented a map illustrating that there are two geographic areas within North Hertfordshire where there is capacity within the grid to accommodate a solar farm without significant solar curtailment. These are to the east and west of North Hertfordshire. Large portions of the west of the district – surrounding Hitchin, Letchworth and Baldock - are covered by Green Belt with parts also within the Chilterns AONB. Whilst there is no Green Belt or AONB within the eastern part of the district, there is high quality landscape.
- 4.6.24 The applicant's map also identifies a need to distribute solar farms in those areas where there is less solar curtailment for the efficient delivery of electricity and that if North Hertfordshire is to reach net zero both the east and west of the District will need to contribute towards providing clean renewable energy to the Grid and that small to mid-scale sites distributed across North Hertfordshire will need to come forward to deliver this, including several Green Belt locations.
- 4.6.25 The applicant confirms that a grid connection offer from National Grid has been secured for a 25MW solar farm to the Wymondley substation. The applicant asserts that the availability of this grid connection and the immediate delivery of the proposed development in the context that North Hertfordshire has not consented a commercial renewable energy generation scheme since 2015, should be given substantial weight in the planning balance.
- 4.6.26 Officers acknowledge that the foregoing sets out a detailed and reasonable explanation as to why a solar farm is proposed in this Green Belt location.

Conclusion on renewable energy benefits

- 4.6.27 Officers have considered and assessed the evidence and case presented by the applicant and agree that there is a clear and urgent need to substantially increase renewable energy generation in North Hertfordshire if there is to be any prospect of achieving Net Zero carbon emissions by 2030.
- 4.6.28 It is considered that the benefit arising from the generation of renewable energy by the proposed development, meeting the electricity needs of between 7,000 - 8,000 homes, is substantial and that this is a planning benefit to which substantial weight can be attributed.

Wider Environmental Benefits

- 4.6.29 The applicant identifies the following proposed environmental enhancements:
- Grassland within the perimeter/stock fencing suitable for sheep grazing, with a sward comprising a broad selection of grasses, herbs and clover that are

productive for livestock, and which provide pollen and nectar for biodiversity benefit;

- Species-rich grassland between field boundaries and perimeter/stock fencing to contribute to enhancing hedgerow buffer zones for improved ecological connectivity;
- Native-species woodland planting approximately 10m wide along the northern and north-western boundaries of the northern part of the Site, to provide visual screening, landscape integration, and improved ecological connectivity;
- New native-species hedgerows alongside roads and historic field boundaries for visual screening and ecological connectivity, and for the purpose of landscape integration by restoring boundaries that have likely been lost through historic widening; and
- Gapping up of existing hedgerows around and within the Site which are generally in a poor and declining condition, with fragmentation reducing their function as ecological corridors and potential for visual screening.

4.6.30 The applicant considers that the enhancement would provide significant biodiversity gain of approximately 130% biodiversity net gain based on area-based habitats, and an approximate 155% net gain based on linear habitats such as hedgerows, compared to the existing land use well in excess of the emerging national target of 10% and would also take the land out of intensive arable agricultural use and provide a net carbon benefit.

4.6.31 The applicant concludes that there are 'very special circumstances' which when considered cumulatively, are judged to clearly outweigh any harm to the Green Belt and that case law confirms that some factors that are quite ordinary in themselves can cumulatively become 'very special circumstances'.

Economic benefits

4.6.32 There is a strong case for the economic benefits of the scheme, both in terms of the Government's aims in the NPPF to build a strong and competitive economy, but also in terms of the number of employees at the site during construction, operation, and decommissioning phases.

4.6.33 There would be clear economic and energy security benefits arising from a facility that can meet the electricity needs of around 7,000 – 8,000 homes and reduce the use of fossil fuels in the production of electricity. The local economy will benefit as a result of the increased business rates and the employment opportunities which will arise from both the construction and operation of the site. Local businesses will benefit during the construction phase. Providing a stable income for a local farmer helping to mitigate costs and impacts.

4.6.34 In the circumstances it is considered that there would be economic benefits to which significant weight can be attributed in the planning balance.

Biodiversity

4.6.35 The submitted Ecological Assessment confirms that biodiversity net gain (BNG) will be achieved, and the submitted Biodiversity Metric shows the extent of BNG.

Herts CC Ecology are satisfied that this improvement can be delivered. Officers consider that there would be BNG in compliance with LP Policy NE4, and more than the 10% net gain that will be required in the future by the Environment Act 2021. The delivery of BNG can be controlled by condition.

4.7 Planning Balance

4.7.1 It is acknowledged that there is both considerable public opposition and support for the proposal. Whilst the volume of opposition and support is a matter for consideration, of greater importance is the validity of the issues raised by public responses. These issues have been considered in the foregoing sections of this report.

4.7.2 As identified, there are matters that weigh in favour and against the proposed development. The table below identifies the benefits and harms of the development and the weight attributed to these. This is a visual aid and should be considered along with the detailed assessment in the report.

Table 2 – Benefits and harms

Issue	Effect	Weight
<i>Green Belt Openness</i>	<i>Harm</i>	<i>Significant</i>
<i>Green Belt Purposes</i>	<i>Harm</i>	<i>Moderate</i>
Overall effect on the Green Belt	Harm	Substantial
Landscape and visual impact (duration)	Harm	Significant
Heritage	Harm (moderate-high level of less than substantial)	Great
Loss of BMV agricultural land	Harm	Limited
Renewable Energy Generation	Benefit	Substantial
Urgent Local Need	Benefit	Substantial
Economic impact	Benefit	Significant
Biodiversity	Benefit*	Moderate
Landscape and visual (post decommissioning)	Benefit*	Moderate
Flood Risk/Drainage	Benefit*	Limited
Noise/residential amenity	Neutral*	None
Highway impacts	Neutral*	None
Archaeology	Neutral*	None
Noise	Neutral*	None
Fire Risk	Neutral*	None
Soil contamination	Neutral*	None

* the weight attached would be subject to conditions in the event that permission is granted.

- 4.7.3 There is a circular argument for and against the proposal. The greater the renewable energy generation the greater the weight given to this as a material consideration, but with that comes the greater spatial and visual impacts. Notwithstanding the large scale of the proposal, the landscape impacts are relatively localised due to topography and existing landscaping, whereas the renewable energy generation would be substantial compared to existing renewable energy generation in North Hertfordshire.
- 4.7.4 The proposed scheme is inappropriate development in the Green Belt; it does not meet the exceptions set out in paragraphs 149 or 150 of the NPPF. Paragraph 148 confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.7.5 Before addressing the overall planning balance in line with NPPF paragraph 148, the heritage balance shall first be considered, which also falls within the planning balance of any other harm.
- 4.7.6 The heritage balance set out in NPPF paragraph 202 confirms that it is necessary to weigh the high, less than substantial harm to the significance of the designated heritage assets, against the public benefits of the proposed development. It is considered that all the identified benefits above are public benefits. The development would generate a significant amount of renewable energy, which has been attributed very substantial weight as a planning benefit, given the statutory requirement to achieve zero carbon emissions, the environmental, economic, and social imperative to address global warming, the policy support for renewable energy, the declaration of a climate change emergency by this Council in 2019 and the limited renewable energy production in North Hertfordshire. As indicated earlier in the report there are currently two operational small solar farms and no wind farms within the District. Also, currently there are no consented unbuilt schemes for renewable energy projects within the District.
- 4.7.7 There are other public benefits including those relating to the economy and biodiversity. Nevertheless, great weight should be given to the conservation of designated heritage assets as required by the NPPF. However, it is considered that greater weight should be attributed to the clear public benefits in this instance and so there is clear and convincing justification for the less than substantial harm to the designated heritage assets. Therefore, it is considered that the proposed development would cause less than substantial harm to the significance of the heritage assets towards the upper end of the spectrum of such harm, to which great weight must be attributed. However, there are also substantial public benefits that would arise from the proposed development which, whilst finely balanced, are considered to outweigh the harm. Therefore, it is considered that the proposal

would accord with LP Policies SP13 and HE1 and Wymondley NP Policy NHE9. Nevertheless, the heritage harm identified forms part of the other harms identified when considering the proposal against relevant Green Belt policy.

- 4.7.8 In line with Paragraph 148 of the NPPF, it is necessary to consider the overall planning balance. Climate change due to global warming and the imperative to reduce carbon emissions is addressed by planning policies. The generation of renewable energy forms an important part of the equation in achieving net zero carbon in the UK by 2050 and within North Hertfordshire by 2040. Other matters have arisen recently including concerns relating to energy security and significant rises in the price of gas and electricity.
- 4.7.9 It is accepted that harm to the Green Belt would not be permanent, which is material given that the fundamental aspect of the Green Belt is not only its openness but also its permanence. However, the development would cause harm to the Green Belt due to its inappropriateness, loss of openness and conflict with a Green Belt purpose.
- 4.7.10 The NPPF requires substantial weight to be given to any harm to the Green Belt. The development would also result in significant visual and landscape harm for a 40-year period which is a considerable length of time. Other considerations include those that have been afforded weight as summarised at Table 2 above.
- 4.7.11 Whilst the overall benefits identified are considerable, they are finely balanced against the harms identified. The NPPF requires for very special circumstances to exist, and therefore for planning permission to be granted for inappropriate development within the Green Belt any benefits must clearly outweigh the harms that would arise from that development. Taken together, the issues are very finely balanced. Consequently, the Green Belt and other harms in this case are not considered to be clearly outweighed by the benefits identified. In the circumstances, looking at the application as a whole, very special circumstances are not considered to exist to justify the development in the Green Belt as required by NPPF paragraphs 147 and 148, Wymondley NP Policy GB1 and LP Policy GB5.

Overall conclusion

- 4.8 The purpose of the planning system is to contribute to the achievement of sustainable development.
- 4.9 The benefits and impacts or harm that would result from the proposal have been carefully and objectively considered. Different elements have been given a degree of weight and a planning balance applied. This involves applying planning judgement. Whilst it is recommended that planning permission be refused, it is considered that the issues are finely balanced. However, for very special circumstances to exist, the harm to the Green Belt by reason of inappropriateness and any other harm must be clearly outweighed by the benefits. There are substantial benefits that would arise from the generation of renewable energy, and these have been fully considered. However, it is considered that on-balance these do not clearly outweigh the identified harm. The location of the site within the Green Belt does not preclude solar farms. Paragraph 151 is clear insofar as if developers

demonstrate very special circumstances, then renewable energy projects may proceed within the Green Belt. There are also no planning policies that preclude such developments on best and most versatile agricultural land. Therefore, it is possible that a different renewable energy project in this location that reduced the impact upon the character and appearance of the area, heritage assets, and openness of the Green Belt could achieve the high hurdle of very special circumstances.

- 4.10 Proposals of this nature and scale will inevitably result in tension between policies meaning that it is difficult to reconcile all expectations and requirements. Upon consideration of the social, economic, and environmental objectives of the planning system it is considered that the proposed development conflicts with Green Belt and landscape policy and very special circumstances have not been demonstrated. Overall, the proposal conflicts with the development plan as a whole and there are no material considerations that indicate that a decision should be made other than in accordance with the development plan. Consequently, it is recommended that planning permission be refused.

5.0 Climate Change Mitigation Measures

- 5.1 Climate change has been addressed throughout this report and is a matter at the heart of this application in terms of the significant contribution the proposed development would make to renewable energy generation and the goal of achieving net zero carbon within the District by 2040 and within the UK by 2050.

6.0 Legal Implications

- 6.1 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 where restrictive conditions are attached, the applicant has a right of appeal against the decision.

7.0 Recommendation

That planning permission is resolved to be **REFUSED** for the following reasons:

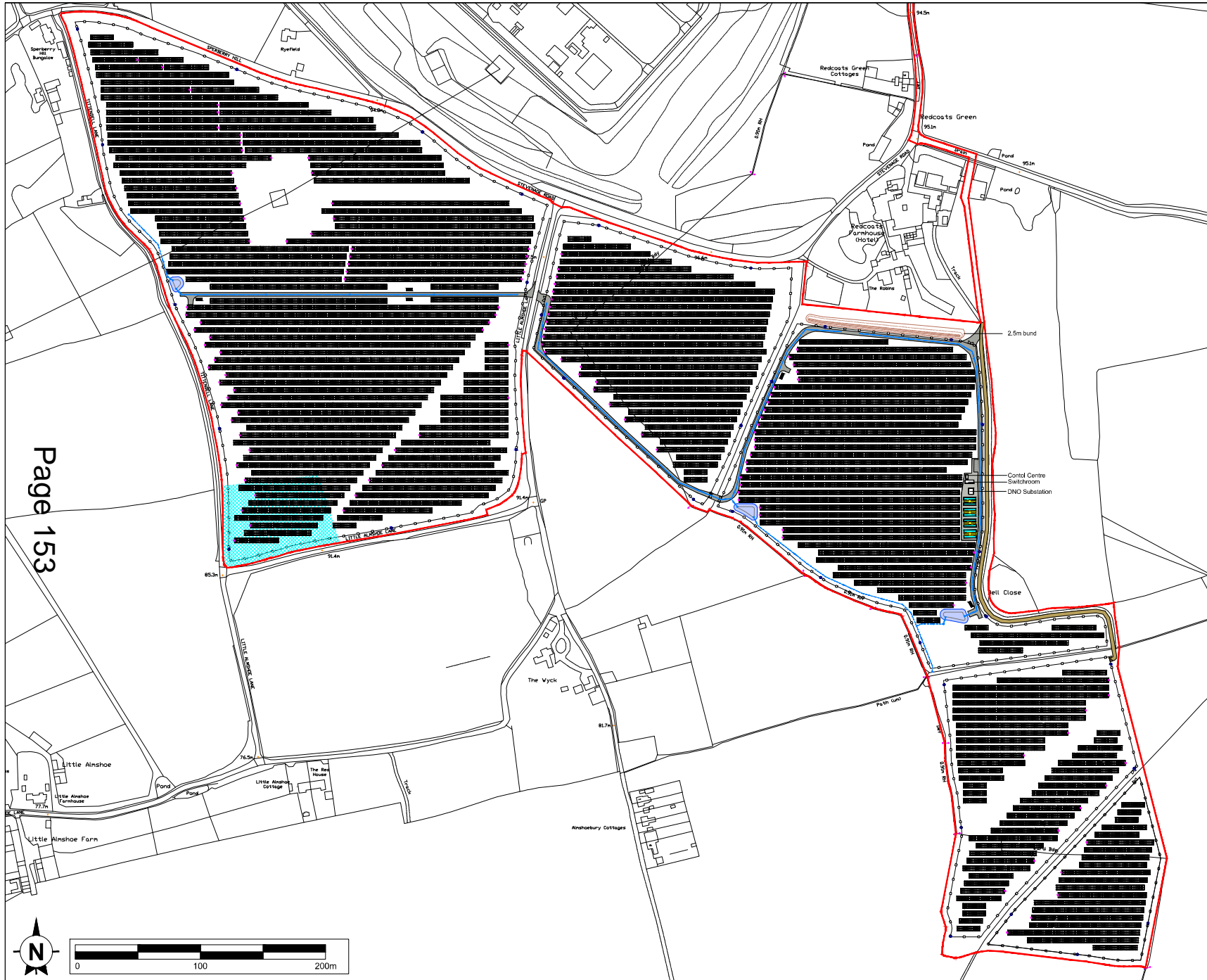
1. The application site is located within an area designated as Green Belt, within which there is a presumption against inappropriate development unless very special circumstances can be demonstrated. In the opinion of the Local Planning Authority this planning application proposes inappropriate development in the Green Belt which would harm the Green Belt by reason of inappropriateness and cause harm to the purposes of the Green Belt as defined in paragraph 147 of the National Planning Policy Framework (NPPF). Taken together, the Green Belt and other harms in this case are not considered to be clearly outweighed by the benefits identified. In the circumstances, looking at the application as a whole, very special circumstances are not considered to exist to justify the development

in the Green Belt as required by NPPF paragraphs 148 and 151, Wymondley NP Policy GB1 and Local Plan Policy GB5.

2. The proposal would result in unacceptable harm to the character and appearance of the surrounding area in which the site is located. Whilst measures are proposed to mitigate the impact of the proposed development, and the proposal would not be permanent, there would nevertheless be long term harm to rural character and appearance of the area, including the visual amenities of users of the local public footpaths. The proposal would therefore conflict with Local Plan Policies NE2 and NE12 which seek to avoid unacceptable harm to landscape character and appearance.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal, but fundamental objections could not be overcome. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



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Revision History		Date
A	Updated layout	05/02/22
B	Updated key	11/02/22
C	Updated drainage layout	09/03/23
D	Updated for CCTV	10/02/23

Application Site

Deer / Stock Fence

Photovoltaic Panels

String Inverter

Transformer Station

Battery Container

Battery Transformer Unit

Other Building (Labelled)

Existing Access Track Upgraded

Proposed Access Track

Proposed Compound Areas

Archaeologically Sensitive Area

Surface Water Attenuation Basin

Drainage Channel

CCTV

axis

client: RNA ENERGY LTD

project: SPERRBERRY HILL SOLAR ARRAY

drawing title: GENERAL ARRANGEMENT

date: FEBRUARY 2023

drawing number: 3045-01-03

scale(s): 1:2,500@A2

drawn by: TK

checked: PK

status: PLANNING

rev: 0

planning environment design

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PLANNING CONTROL COMMITTEE

DATE: 16 November 2023

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr Kevin Morgan	25 October 2023	Retention of stretch tent for a temporary period of ten years.	The Old George Arlesey Road Ickleford SG5 3UX	22/02644/FP	Written Representations

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