

NORTH HERTFORDSHIRE DISTRICT COUNCIL



2 February 2024

Our Ref Planning Control Committee 15 February 2024
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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, 15TH FEBRUARY, 2024 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

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

Agenda

Part I

Item		Page
1.	APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
3.	CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
4.	PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
5.	20/02412/FP LAND BETWEEN 53 AND 81 AND LAND REAR OF 7-53, WATERDELL LANE, ST IPPOLYTS, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Erection of 52 dwellings including open space, landscaping, local area for play, and associated highway works (as amended by plans received 09/03/23 and 30/08/23).	(Pages 5 - 68)

6. **23/00563/FP LAND ON THE SOUTH OF, OUGHTONHEAD LANE,
HITCHIN, HERTFORDSHIRE, SG5 2NA** (Pages
69 - 96)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of 43 dwellings, access from Lower Innings, associated internal roads, parking, landscaping, amenity space and open space.
7. **23/02650/FP LAND SOUTH WEST OF AND ADJACENT TO LODGE
COURT, TURNPIKE LANE, ICKLEFORD, HERTFORDSHIRE** (Pages
97 - 114)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of eight dwellings comprising of 3 pairs of semi-detached dwellings (6 x 3-bed) and two detached 4-bed dwellings including integral garages (plots 1 and 8) with a new access spur from the Lodge Court, on-site parking, landscaping. (Amended description only).
8. **23/01392/FP LAND REAR OF 33, HIGH STREET, GRAVELEY,
HERTFORDSHIRE, SG4 7LA** (Pages
115 -
130)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of four detached 4-bed dwellings, including parking, landscaping and creation of vehicular access off Turf Lane (as amended by plans received 21/08/2023).
9. **APPEALS** (Pages
131 -
144)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER.

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<u>Location:</u>	Land Between 53 And 81 And Land Rear Of 7-53 Waterdell Lane St Ippolyts Hertfordshire
<u>Applicant:</u>	Countryside Properties
<u>Proposal:</u>	Erection of 52 dwellings including open space, landscaping, local area for play, and associated highway works (as amended by plans received 09/03/23 and 30/08/23)
<u>Ref. No:</u>	20/02412/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

14 April 2020

Extension of statutory period:

31 January 2024

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater, as set out in 8.4.5 of the Council's Scheme of Delegation.

The Planning Committee resolved to grant planning permission on 14 September 2023 subject to conditions and completion of a satisfactory legal agreement. The original report is attached (Addendum Officer Report – Appendix 1). This report was corrected and updated, and this is also attached (Addendum Supplementary Report – Appendix 2).

Following that decision, it has become apparent that the Section 106 contributions agreed by the Committee and set out at paragraph 4.3 of the Addendum Officer Report were not correct, as not all contributions requested by Hertfordshire Country Council had been stated in the original report. This relates to Special Educational Needs and Disabilities contribution.

For clarity and the avoidance of doubt, no alterations to the previously approved plans are proposed. This report is only concerned with alterations to the previously agreed planning obligations for the Section 106 legal agreement.

1.0 Relevant Site History

1.1 See Addendum Officer Report (Appendix 1)

2.0 **Policies**

2.1 See Addendum Officer Report (Appendix 1)

3.0 **Representations**

3.1 **Neighbouring Properties:**

See Addendum Officer Report (Appendix 1). No new comments received.

Consultees

3.2 See Addendum Officer Report (Appendix 1) and Addendum Supplementary Report (Appendix 2). No new comments received.

3.3 **HCC Growth and Infrastructure**

(Comments dated 27 June 2023)

Based on the information to date for the development of 52 dwellings we would seek financial contributions towards the following projects:

Primary Education towards the expansion of St Ippolyts School Primary School and/or provision serving the development (£484,971 index linked to BCIS 1Q2022)

Secondary Education towards the expansion of The Priory Secondary School and/or provision serving the development (£610,532 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) towards the new East Severe Learning Difficulty school and/or provision serving the development (£66,227 index linked to BCIS 1Q2022)

Library Service towards increasing the capacity of Hitchin Library and/or provision serving the development (£12,484 index linked to BCIS 1Q2022)

Youth Service towards the delivery of a new centre at Hitchin and the surrounding area and/or provision serving the development (£18,390 index linked to BCIS 1Q2022)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 See Addendum Officer Report (Appendix 1).

4.2 **Proposal**

4.2.1 See Addendum Officer Report (Appendix 1).

4.3 **Key Issues**

4.3.1 The key issue for consideration is as follows:
--The appropriateness of the planning obligations proposed.

The Addendum Officer Report (Appendix 1) and the Addendum Supplementary Report (Appendix2) set out the issues previously considered and approved by the Planning Committee on 14 September 2023.

Planning obligations:

4.3.2 The table below sets out the planning obligations for the application agreed by the Planning Committee on 14 September 2023:

Element	Detail and Justification
Affordable Housing (NHDC)	On site provision of 21 affordable dwellings based on 65% rented tenure (4 x 1-bed flats, 2 x 2 bed flats, 3 x 2 bed houses, 4 x 3 bed houses, 1 x 4 bed house) and 35% intermediate affordable housing tenure (2 x 2 bed houses, 4 x 3 bed houses, 1 x 4 bed house) NHDC Planning Obligations Supplementary Planning Document Local Plan Policy HS2 'Affordable Housing'
Open space/ SUDS management and maintenance arrangements (NHDC)	Open Space Management Company and SUDS Management Scheme to secure the provision and long-term management and maintenance of the open space, play space and SUDS on-site
Pitch sports contribution (NHDC)	Contribution of £360 per Dwelling towards the replacement of changing rooms at Waterdell lane Recreation Ground
Informal open space contribution (NHDC)	Contribution of £385 per Dwelling towards the provision of improvements to off-site open space within the Parish of St Ippolyts

Primary education (HCC)	<p>Contribution of £484,971 (index-linked) towards the expansion of St Ippolyts School</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Secondary education (HCC)	<p>Contribution of £610,532 (index-linked) towards the expansion of the Priory School</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Library Services (HCC)	<p>Contribution of £12,484 (index-linked) towards the expansion of Hitchin Library</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Youth Services (HCC)	<p>Contribution of £18,390 (index-linked) towards the expansion of Hitchin Young People's Centre</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Sustainable Transport (HCC)	<p>Contribution of £52,000 (index-linked) towards refurbishments of two bus stops on London Road</p>
Fire Hydrants (HCC)	<p>Provision of fire hydrants for the development</p>
Monitoring Fees (HCC)	<p>Monitoring Fees – HCC will charge monitoring fees.</p> <p>These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (before adjusting for inflation).</p> <p>HCC Guide to Developer Infrastructure Contributions (July 2021)</p>

- 4.3.3 Hertfordshire County Council Growth and Infrastructure had in their letter of 27 June 2023 requested the contributions below that were not reported to the Committee:

Special Educational Needs and Disabilities (SEND) (HCC)	Contribution of £66,227 (index-linked) towards the new East Severe Learning Difficulty school and/or provision serving the development.
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- 4.3.4 This further obligation has been agreed by the applicant and all relevant parties and will be included in the draft S106 that has been submitted to the LPA. The new obligation is considered to meet the relevant tests relating to planning obligations (set out in paragraph 57 of the NPPF) and makes the development acceptable in planning terms through acceptable mitigation of its impacts on relevant infrastructure.

4.4 **Conclusion**

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

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 is resolved to be **GRANTED** subject to the following:
- A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required; and
 - B) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives as set out in the Addendum Officer Report; and
 - C) Conditions and Informatives as set out in the Addendum Officer Report.
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

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

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

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

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

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

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

5. 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.

6. 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.

7. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The

fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

8. No gates (except for the temporary construction phase) shall be provided across the accesses to the site on London Road, Waterdell Lane and Half Handkerchief Lane.

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

9. Prior to the occupation of each dwelling hereby permitted, the car parking spaces shown for that dwelling on the approved plans shall be marked out and made available and shall thereafter be kept available solely for the parking of motor vehicles.

10. Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development and to comply with Policy T2 of the North Hertfordshire Local Plan 2011 to 2031.

The use of the garages hereby permitted shall remain at all times incidental to the enjoyment of the dwellinghouses to which they relate and shall not be used in connection with any form of trade, business or commercial activity (aside from the temporary sales suite).

Reason: To safeguard the residential character of the locality and the amenities of nearby residents, both of which would be prejudiced by the activities and visual intrusion likely to be associated with a commercial activity on the site and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

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

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

12. Prior to the commencement of the hard landscaping works, details of all hard surfacing to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

13. In accordance with paragraph 2.22 of the Conservation Management Plan dated 07/07/2022, the following materials:

- (i) Bricks
- (ii) Mortars
- (iii) Fencing
- (iv) Step slabs

to be used for the repairs of both Ice House structures together with an associated method statement, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the repairs. Thereafter, the works shall be implemented in accordance with the approved materials/method statement(s) and prior to the completion of the 52nd (last) residential unit.

Reason: To ensure that special regard is paid to the special character of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Immediate Term' aims of the submitted Conservation Management Plan.

14. Following the completion of the works identified at 2.20 of the Conservation Management Plan dated 07/07/2022, the design (size/content/siting) of a Heritage information board referred to at 3.8 of the Conservation Management Plan, shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the information board. Thereafter, the information board shall be implemented in accordance with the approved details prior to the completion of the 52nd (last) residential unit.

Reason: To ensure that special regard is paid to the setting of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Intermediate Term' aims of the submitted Conservation Management Plan.

15. Full details of the proposed perimeter fence to the Ice House as referred to in paragraph 3.14 of the Conservation Management Plan dated 07/07/2022, shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the fencing. Thereafter, the fencing shall be implemented in accordance with the approved details and prior to the completion of the 52nd (last) residential unit.

Reason: To ensure that special regard is paid to the setting of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Intermediate Term' aims of the submitted Conservation Management Plan.

16. In accordance with paragraph 4.6 and 4.7 of the Conservation Management Plan dated 07/07/2022, a non-intrusive visual inspection by a suitably qualified person with experience in assessing the condition of historic structures, assisted by rope harness equipment, shall be undertaken once every two years. Any works identified as a result of the bi-annual survey shall be undertaken by the site's public open space management company referred to at Appendix II of the Conservation Management Plan.

Reason: To ensure that special regard is paid to the significance of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Long Term' aims of the submitted Conservation Management Plan.

17. If during construction, any contamination not previously identified is found to be present at the site it shall be reported to 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.

18. Prior to the occupation of the dwellings hereby permitted the proposed junction access works shall be provided as identified on the 'in principle' Proposed Site Access Layout identified on drawing number 171381-002 revision O and shall include proposed 3.0 metre wide shared footway/cycleway along the development's frontage along the London Road to include pedestrian crossing points, upgrade improvement works to the bus stop (plated as London Road Crossroads) that are adjacent to the junction of Brookend Lane and pedestrian access improvement to the junction of Brookend Lane as part of the application. The exact location of the accommodating works such as crossing points and markings will need to be agreed in conjunction with appropriate parties.

These facilities shall meet appropriate accessibility standards and be constructed as in accordance with Roads in Hertfordshire Highway Design Guide.

These works shall be secured and undertaken to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Arrangement shall be made for surface water drainage to the main development access to be intercepted and disposed of separately so that it does not discharge from or onto the public highway.

Reason: To ensure satisfactory development and in order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire 'A Guide for New Developments. (section 2 part 1 chapter 9 para 9.4) and to further encourage sustainable modes of transport. In accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan. To comply with Policy T1 of the Local Plan.

19. Prior to the side roads (offsets from the principal access road) are first brought into use, vehicle to vehicle visibility splays of 2.4 metres by 25 metres to both directions shall be provided and permanently maintained as defined on the visibility splay Drawing Number 171381 - 004 revision O, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4.

20. Prior to use the gradient of the principal 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.

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

The provision of a footway as shown on drawing number 171381-003 revision K to tie into Half Hankerchief Lane complete with pedestrian guard rail, including a pedestrian crossing point in Waterdell Lane and complete with raised platform across the principal access road, all details shall be submitted and approved in writing by the Highway Authority.

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

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

The Construction Management Plan of:

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

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

23. Prior to occupation, each proposed new dwelling (52) shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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

24. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason: In the interests of assessing impacts on assets of archaeological interest. To comply with Policy HE4 of the Local Plan.

25. The 'Biodiversity Area' at the west of the site annotated as such on drawing C00205-CSP-EL-XX-DR-L-003-Rev.PL7 shall not be accessible to public or private access and shall remain as such.

Reason: In the interests of maintaining biodiversity net gain and the control of this part of the development in the Green Belt. To comply with Policies SP5 and NE4 of the Local Plan, and Sections 13 and 15 of the NPPF.

26. No dwelling hereby permitted shall be occupied until a scheme of external lighting has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall be designed to ensure public safety and to minimise the potential effects upon the ecology of the site and its surroundings. The scheme shall include details of external lighting of the Public footpath. 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 scheme shall be implemented as approved and in accordance with an agreed programme/strategy, and the arrangements shall be maintained and retained thereafter.

Reason: In the interests of biodiversity and local amenity. To comply with Policies D1 and NE4 of the Local Plan.

27. Prior to the commencement of these parts of the development, full details shall be provided of sheds for cycle storage as shown on drawing C00205-MCL-EX-XX-DR-A-P0013 Rev E. These details shall then be approved, and the sheds erected and completed before occupation of each dwelling they would be in association with.

Reason: In the interests of providing adequate cycle storage and sustainable transport. To comply with Policies T1 and T2 of the Local Plan.

28. Prior to the occupation of the first dwelling of the development, the biodiversity enhancement measures in drawing C00205-CSP-EL-XX-DR-L-003-Rev.PL7 shall be completed. These measures shall then remain in perpetuity.

Reason: In the interests of securing and maintaining biodiversity net gain and protected species. To comply with Policy NE4 of the Local Plan and Section 15 of the NPPF.

29. Prior to the commencement of above ground construction of the development, a sustainability and energy assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of climate change. To comply with Policy D1 of the Local Plan and Section 14 of the NPPF.

30. Prior to the commencement of the parts of the development that will intrude into the root protection areas of trees protected under TPO/00200 at the south east boundary of the site with Half Handkerchief Lane, full details of the methods of construction and excavation shall be provided, which shall demonstrate that these trees shall not be harmed. Once approved, the development shall be implemented in accordance with these details.

Reason: In the interests of protecting significant trees. To comply with Policy NE2 of the Local Plan.

31. Prior to commencement of development, in accordance with the submitted FRA (Flood Risk Assessment by Ardent Consulting Engineers, Ref: 191381-02D, rev D, dated February 2023) and Drainage Strategy Plan, Ref. 171381-001 rev K, dated February 2023, detailed design of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed 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:

I. Surface water runoff will be directed to an attenuation basin with infiltration trenches installed at its bottom to allow the surface water flows to infiltrate into the ground. Any excess water will be stored in the attenuation storage provided.

II. The contributing impermeable areas will reflect the areas as proposed within the new development layout (C00205-MCL-EX-XX-DR-A-P0001 Rev D, submitted in March 2023) and be exact as proposed, and not based on assumptions, as currently proposed. Urban creep of 10% will still apply. The total impermeable area should however stay within the limit of 1.45ha as agreed within the FRA.

III. 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% and 1% annual probability rainfall events (both including allowances for climate change).

IV. Detailed designs, hydraulic calculations and plans of the whole drainage design including the conveyance network and any storage features 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.

c. The latest relevant FEH rainfall data should be used in the model provided for the whole drainage network, as it was previously provided for the basin.

V. The design of the infiltration / attenuation basin will incorporate an emergency spillway and any drainage structures include 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 plus climate change. The plan will include the proposed finished ground levels and finished floor levels.

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.

32. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA (Flood Risk Assessment by Ardent Consulting Engineers, Ref: 191381-02D, rev D, dated February 2023) and Drainage Strategy Plan, Ref. 171381-001 rev K, dated February 2023 and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Local Planning Policies: Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

33. The development hereby approved shall not be first occupied until a detailed maintenance and management plan of the whole sustainable drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
- I. a timetable for its implementation; and
 - II. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Local Planning Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

34. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 31 and Condition 32. Where necessary, details of corrective works to be carried out along with a

timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

35. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated February 2023), this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

36. The north first floor side elevation windows of Plot 34 and Plot 36 shall be obscure glazed. The facing first floor side elevation windows of Plots 9 and 10 shall be obscure glazed. The first floor side elevation windows of Plots 7, 8, 16, 20, 28, 30, 29 and 32 shall be obscure glazed.

Reason: In the interests of privacy and amenity. To comply with Policy D1 of the Local Plan.

Proactive Statement

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

<u>Location:</u>	Land Between 53 And 81 And Land Rear Of 7-53 Waterdell Lane St Ippolyts Hertfordshire
<u>Applicant:</u>	Countryside Properties
<u>Proposal:</u>	Erection of 52 dwellings including open space, landscaping, local area for play, and associated highway works (as amended by plans received 09/03/23 and 30/08/23)
<u>Ref. No:</u>	20/02412/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

14 April 2020

Extension of statutory period:

18 September 2023

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater, as set out in 8.4.5 of the Council's Scheme of Delegation.

The application was also called into committee by Councillor Sam Collins on the basis of local objections.

1.0 Relevant Site History

- 1.1 19/00099/SO - Screening Opinion: Proposed residential development of between 40 and 70 dwellings – Environmental Impact Assessment not required 25/01/19.

2.0 Policies

2.1 North Herts Local Plan 2011 - 2031

Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP5: Countryside and Green Belt
Policy SP6: Sustainable Transport
Policy SP: Infrastructure requirements and developer contributions
Policy SP8: Housing

Policy SP9: Design and Sustainability
Policy SP10: Healthy communities
Policy SP11: Natural resources and sustainability
Policy SP12: Green Infrastructure, landscape and biodiversity
Policy SP13: Historic Environment

Policy T1: Assessment of Transport matters
Policy T2: Parking
Policy HS1: Local Housing Allocations
Policy HS2: Affordable housing
Policy HS3: Housing mix
Policy HS5: Accessible and adaptable housing
Policy D1: Sustainable Design
Policy D3: Protecting living conditions
Policy D4: Air Quality
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE6: New and improved open space
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE11: Contaminated land
Policy HE1: Designated heritage assets
Policy HE4: Archaeology
Policy SI1: Land south of Waterdell Lane

2.2 National Planning Policy Framework

Section 5 – Delivering a sufficient supply of homes
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places
Section 13 – Protecting Green Belt land
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

2.3 Supplementary Planning Documents

Vehicle Parking at New Development SPD (2011)
Design SPD (2011)
Developer Contributions SPD (2023)

3.0 Representations

3.1 Neighbouring Properties:

The application has been advertised via neighbour notification letters, the display of a site Notice, and a press notice. At the time of finalising this report, 158 objections in total had been received, for the original and later amended plans. The objections received were on the following grounds:

- Strongly object.
- Ruin the village.
- Change area from rural to semi-rural. Loss of countryside. Urbanisation. Not in the public interest.
- High density.
- Number of dwellings over site policy number of 40.
- Takes land from outside SI1.
- Number and style of dwellings not in keeping with local area. Some inappropriately tall.
- Significantly impact the local environment, including listed St Ibbs Lodge.
- Greater clarity on boundary with 7-53 Waterdell Lane.
- Impacts on privacy of 49 and 51 Waterdell Lane.
- Loss of privacy.
- Loss of views.
- Noise pollution.
- Light pollution.
- Numbers of vehicles accessing London Road. Traffic an issue.
- Increase car use. Increased parking outside the site.
- Transport data flawed.
- Access for agricultural vehicles.
- Destruction of footpath to be replaced with hardstanding.
- Use of private driveway; pleased this has been withdrawn by amendments.
- Keep between the back fences of 7-53 Waterdell Lane and the new development.
- Ecological impacts from loss of habitat and on protected species.
- Impacts on local infrastructure.
- St Ippolyts Primary School and other local schools over-subscribed.
- S106 contributions not gained locally.
- High risk of flooding. Present flooding on nearby roads.
- Drainage inadequate.
- Sewerage unlikely to cope.
- Environmental overspill.
- Brownfield sites available instead.
- Tree Protection Orders on trees needed.
- Loss of agricultural land. Loss of Green Belt.
- Include swift and bat bricks.
- Build without gas boilers.
- Lacks adequate sustainable energy solutions.
- Disruption from construction.
- Play area should be in the middle.
- Loitering and fly-tipping from footpath improvements.
- Not 'affordable'.
- Planning application nearby in St Ippolyts. The development isn't needed. Cumulative impacts with other developments.
- No proposal to restore the Grade II listed Ice House and make it accessible to the public.
- Laudable to include the Ice House in the application.
- No archaeological field evaluation has taken place.
- Amendments haven't changed original opinions/objections.

- Restrictive covenants.
- Lack of engagement from applicant.
- Local Plan not adopted. Premature application.

Consultees

3.2 Parish Council

Amended plans are supported by the Parish Council. As before the Parish Council would welcome the support of Officers in negotiating Section 106 payments, specifically within St Ippolyts Parish. In addition to the improvements /expansion to St Ippolyts Primary School, Open Space and Pitch Sports Contributions the Parish Council expects to receive funding towards the football pavilion and bowls clubhouse on the Recreation Ground as both needs replacing.

3.3 Conservation Officer

It is for the case officer to address the 'weighted balance' between harm and public benefits which does include improving the visibility and long-term maintenance of the Ice House (a Building at Risk).

Apart from this, I await a response to points raised and I confirm that in my opinion, a listed building consent application is not necessary unless the suggestion of positioning gates/doors across the entrances to the Ice House is heeded (which would seem sensible in my opinion).

Although I have asserted that there would be some harm (as also established by the applicant's heritage adviser) and even though it may be argued that the proposal fails to satisfy the provisions of Section 66(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, it is considered that the proposal is UNOBJECTIONABLE in heritage terms.

3.4 HCC Growth and Infrastructure

Based on the information to date for the development of 52 dwellings we would seek financial contributions towards the following projects:

Primary Education towards the expansion of St Ippolyts School Primary School and/or provision serving the development (£484,971 index linked to BCIS 1Q2022)

Secondary Education towards the expansion of The Priory Secondary School and/or provision serving the development (£610,532 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) towards the towards the new East Severe Learning Difficulty school and/or provision serving the development (£66,227 index linked to BCIS 1Q2022)

Library Service towards increasing the capacity of Hitchin Library and/or provision serving the development (£12,484 index linked to BCIS 1Q2022)

Youth Service towards the delivery of a new centre at Hitchin and the surrounding area and/or provision serving the development (£18,390 index linked to BCIS 1Q2022)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

3.5 NHC Grounds Maintenance Green Spaces

NHC does not undertake any maintenance of the greenspace within the villages of Gosmore and St Ippolyts except on behalf of Settle Housing. Therefore I would assume that the open spaces, trees and woodland would be adopted by the Parish Council who maintain the play area and other open spaces etc locally.

I would suggest that the Parish Council also seek an offsite contribution towards the upgrading of their local play area due to the increased demand this development will bring to the locality.

With regards the woodland, trees and other habitats I would expect that Biodiversity Net Gain targets have been met on site and that these obligations are going to be clarified within a suitable management plan and will have financial provision to cover estimated costs for the next 30 years - again I would anticipate that the Parish Council would be adopting responsibilities for maintaining these areas.

3.6 Hertfordshire Ecology

Since my last response the landscaping plans have been amended to include a Biodiversity Area with no Public Access and a Tree Buffer added on POS in front of plots 26, 31, 32, 33, 47 – 52. Both these measures will be beneficial for biodiversity.

The Landscape Management Plan includes suitable measures for managing the suds feature and the areas of wildflower meadow consequently the Condition advised in my previous response relating to this is no longer required.

3.7 Planning Policy Officer

The North Hertfordshire Local Plan was adopted in November 2022. The proposed site is designated as Local Housing Allocation under reference SI1. Evidence for the Local Plan allocation identified SI1 to be an appropriate site for housing with a dwelling estimate of 40 dwellings for the site.

My previous comments on the proposed scheme were written prior to the adoption of the Local Plan and the site was located within the Green Belt. However, through the adoption of the Local Plan the site has now been taken out of the Green Belt and therefore, is acceptable in principle.

In regard to the proposed development, my previous policy comments remain relevant to this application as there are no changes to the proposed scheme. Please find these attached.

I have no further comments on this application.

(Previous Comments – 27 January 2022)

Other issues

St Ippolyts Neighbourhood Planning Area was designated by the District Council in July 2018. The application falls within the boundary of the designated area. St Ippolyts has not formally 'made' a Neighbourhood Plan and therefore there are no policies that would be a material consideration in this application.

The emerging Local Plan sets a dwelling estimate of 40 homes for SI1. The proposed reduction of housing units from 62 (from planning application 20/02412/FP) to 52 units is closer to the proposed dwelling estimate of 40 homes. However, 52 units equates to a 30% increase of housing from the dwelling estimate. Whilst paragraph 13.3 of the emerging Local Plan states that dwelling estimates are not a target and do not necessarily represent the maximum number of new homes that will be built, it must be considered that the dwelling estimate figures are determined from technical studies of the site.

Notwithstanding, the Local Plan supports a design-led approach and if the proposed site can meet policy requirements in the emerging Local Plan in all other respects, it is unlikely that an objection against Policy HS1(a) would be sustained by simple reference to the number of homes. However, the extent of the uplift beyond the indicative number of homes suggests this is a matter that should be closely scrutinised and therefore, consideration must be given to the design and layout of the site.

Housing Mix

The site relies upon the emerging policy in the new Local Plan to ensure its acceptability in principle. Therefore, the detailed provisions of this plan should be applied.

Emerging Policy HS2 requires a provision of 40% affordable housing (21 units) for this scheme with an appropriate mix of tenures. The scheme is compliant with the 40% affordable housing requirement by providing 21 affordable rented or shared ownership homes.

The Planning Statement proposes 52 dwellings for the site including a mix of houses and apartments comprising of 4 x one bedroom units, 11 x two bedroom units, 14 x three bedroom units, 17 x four bedroom units and 6 x five bedroom units.

Under emerging Policy HS3 – Housing Mix, planning permission will be granted for sites that provide an appropriate range of house types and sizes. In this regard, an appropriate range of housing for suburban and edge of settlement sites is the initial assumption of 60% for larger units of 3+ bedroom and 40% smaller for 1 or 2 bedroom homes. The proposed housing mix consists of 31% of smaller units and 69% larger units. The proposed new housing mix is more aligned to Policy HS3.

Policy HS5 Seeks to provide accessible and adaptable housing in large residential developments. It requires 50% of homes to be built to the M4(2) Accessible and Adaptable standard and on schemes where more than 10 affordable units will be delivered, 10% of these can be additionally built to the M4(3) wheelchair user standard. The scheme is compliant with the 50% of homes to be designed to M4(2) standards. Information is not

provided in the Planning Statement regarding the whether 10% of the affordable units can be built to M4(3) standards.

Parking

The Vehicle Parking at New Development Supplementary Planning Document provides the minimum requirement for parking spaces. Based upon the guidance in table 4.1, the proposed development is required to provide a minimum of 100 residential car parking spaces.

According to the Design and Access Statement, the proposed application will provide an overall figure of 155 parking spaces (94 spaces, 6 single garages, 21 double garages and 13 visitor bays) which exceeds the parking requirement set out in the Vehicle Parking at New Development Supplementary Planning Document. The provision of 142 residential parking spaces is considerably higher than the requirement and therefore the advice of the Transport Planning Officer should be sought to assess whether this conflicts with the Council's climate change emergency and encouraging travel by sustainable modes.

In regard to the requirement of visitor parking bays, the Vehicle Parking at New Development Supplementary Planning Document requests that dwellings with garages provide a minimum of 0.25 and dwellings without garages, the higher standard of 0.75 applies.

The Design and Access Statement proposes 27 units to have garages therefore, 25 units must apply the high standard of 0.75 which equates to 19 visitor parking spaces. The remaining 27 units must apply the lower standard of 0.25 which equates to approximately 7 visitor parking spaces. In total, based upon the visitor parking requirements in the SPD, the proposed application should provide 26 visitor parking spaces. The application proposes 13 visitor car parking spaces. The overall provision of car parking spaces proposed meets the requirement and the under provision of visitor spaces could be offset against the overprovision of resident spaces.

Open Space

The proposed site compromises approximately 3.5 hectares. This is comprising of 3.2 hectares which is allocated in the emerging Local Plan for SI1 and a further 0.31 hectares to provide a Local Area of Play (LAP) and communal open space.

Emerging Policy SP12 seeks to make sure that the open space provision in new developments achieve current open space standards. In July 2021, the Council adopted the use of the Fields in Trust standards to assess open space provision. The Fields in Trust recommended standard is 0.43 per 1,000 population. The Planning Statement proposes an area of public open space to the south west of the development. Comments of the proposed open space will be left to the discretion of the Case Officer.

The Planning Statement proposes a Local Area of Play (LAP) positioned north of the proposed open space. The supporting text for Emerging Policy NE5 states that all play space provision should be made in accordance to the relevant guidelines, the Fields in Trust Guidelines (October 2015). In determining the size of the facilities, the Fields in Trust recommend for LAP a minimum size of 0.01 ha, with a minimum dimension of 10 x 10m and a 5m buffer between the activity zone and the boundary of the dwelling. Comments on the proposed child's play area will be left to the discretion of the Case Officer.

Conclusion

The application is for full planning permission for a site identified in the emerging Local Plan for Local Housing Allocation under reference SI1. The site relies upon the progression of the new Local Plan to ensure its acceptability in principle – either through the removal of the site from the Green Belt upon adoption or to support a case of very special circumstances in advance of adoption. Advice on Green Belt matters can be provided nearer the time of determination if required.

Based upon a numerical assessment, the proposed change from 62 housing units to 52 units aligns closer with the estimated dwelling mix of 40 units for SI1. However, this is 30% above the proposed dwelling estimate. The Local Plan supports a design-led approach and if the proposed site can meet policy requirements in the emerging Local Plan in all other respects, it is unlikely that an objection against Policy HS1(a) would be sustained by simple reference to the number of homes. It is for the Case Officer to assess the design and layout of the site.

In regard to housing mix, the proposed supply for smaller units is just under the requirement set out in emerging Policy HS3.

In regard to the provision of car parking spaces, the advice of the Transport Planning Officer should be sought to determine if the proposed number of spaces is suitable in relation to the Council's Climate Change Emergency and promoting sustainable travel modes.

The Planning Statement suggests open space is provided, including a play area for children. Comments on open space will be left to the discretion of the Case Officer.

3.8 Lead Local Flood Authority

We note the applicant has submitted further information (letter by Ardent Consulting Engineers, dated 13 June 2023) in response to the LLFA letter of 10 June 2023. The applicant referred to the Conditions LLFA recommended in February 2022 in relation to the Masterplan layout proposed at that time. Since our comments in 2022, no final planning permission was granted. In addition, there have been changes within the national legislations applicable to flood risk and drainage, and we would like to reserve rights to amend some of the previously recommended conditions.

We strongly recommend that you as Local Planning Authority satisfy yourself that a maintenance and management plan is submitted which includes actions on how the infiltration trenches proposed within the scheme will be maintained as we note that the current plan details actions for a filter strip rather than actions to maintain the infiltration structures proposed within the scheme. If you require any further advice, please reconsult.

We have reviewed the information submitted and wish to offer new conditions.

3.9 Environmental Health Land Contamination

No objection.

3.10 Environmental Health Noise

No objection.

3.11 Housing Supply Officer

Within the overall affordable housing requirement, the council requires a 65% rented / 35% intermediate affordable housing tenure split, in accordance with the Local Plan and the Developer Contributions SPD. This equates to 14 rented units and 7 intermediate affordable housing units.

Within the 65% rented tenure the 2016 SHMA update indicates the following mix best meets housing need:

14 x 21% x 1 bed flats (3)
14 x 12% x 2 bed flats (2)
14 x 26% x 2 bed houses (4)
14 x 35% x 3 bed houses (4)
14 x 6% x 4 bed + houses. (1)

Within the 35% intermediate affordable housing tenure the 2016 SHMA update indicates the following mix best meets housing need:

7 x 8% x 1 bed flats (<1)
7 x 8% x 2 bed flats (<1)
7 x 20% x 2 bed houses (1)
7 x 54% x 3 bed houses (4)
7 x 10% x 4 bed houses (1)

Based on the above the 21 affordable housing units should comprise: 3 x 1 bed flats; 2 x 2 bed flats 4 x 2 bed houses and 4 x 3 bed houses and 1 x 4 bed house for rent and 2 x 2 bed houses, 4 x 3 bed houses and 1 x 4 bed house for intermediate affordable housing tenure.

The applicant's affordable housing proposals include: 4 x 1 bed flats; 2 x 2 bed flats including one M4(3) standard, wheelchair user dwelling; 2 x 2 bed houses; 4 x 3 bed houses including one M4(3) standard, wheelchair user dwelling and 1 x 4 bed house for rent and 3 x 2 bed houses; 4 x 3 bed houses and 1 x 4 bed house for intermediate affordable housing tenure.

The applicant's proposals do not meet the council's requirements. As previously advised in my memo of 3 February 2022 the intermediate affordable housing units need to be reduced by one to 7, to increase the number of rented units to 14.

There is growing need for wheelchair accessible bungalows/ houses for families with an adult or child with disabilities and/ or limited mobility. The provision of a three bed wheelchair accessible house for rent will meet the requirements of Policy HS5: Accessible and adaptable housing and assist in meeting the housing needs of this client group.

Based on my comments above one of the two bed houses should be switched from intermediate affordable housing tenure to rented tenure, plot number 44 would be appropriate. The affordable housing would therefore comprise: 4 x 1 bed flats; 2 x 2 bed flats including one M4(3) standard, wheelchair

user dwelling; 3 x 2 bed houses; 4 x 3 bed houses including one M4(3) standard, wheelchair user dwelling and 1 x 4 bed house for rent and 2 x 2 bed houses; 4 x 3 bed houses and 1 x 4 bed house for intermediate affordable housing tenure.

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

The Tenure Plan and the House Type Schedule Block Plan submitted, both dated December 2021, show most of the affordable housing predominately on one part of the site.

3.12 Herts County Council highways officer

Does not wish to restrict the grant of permission subject to conditions.

The proposed development has been revised since the initial submission and now comprises a total of 52 residential units (reduction of 10 units overall), to be served via a single point of vehicular access at London Road. The proposed access would ensure that the largest anticipated vehicles (refuse vehicle) can enter and depart the site in a forward gear without detrimental conflict.

As the site is to serve a total of 52 units, Table 4.1.1.1 of HCC's 'Roads in Hertfordshire: A Design Guide' confirms that a Minor Access Road is sufficient to serve the overall site. This includes a carriageway width of 4.8 metres. Previously, the scheme included a 5.5 metres wide carriageway along the main access route which reduced to 5 metres wide to the southwest. Although this exceeds the requirements of HCC's current guidance, their more recent comment have been taken into account and all vehicular routes that accommodate a refuse vehicle have been increased to 5.5 metres wide in this instance. This is in line with a 'Major Access Road' which is suitable to serve up to 300 units and therefore should be deemed acceptable to serve the proposed 52-unit scheme.

In light of HCC's post—submission comments, Drawing Number 171381-004 rev O now shows how the refuse vehicle can access all dwellings or bin stores within 15 metres carry distance of the vehicle without conflict. This drawing also shows how a number of car parking spaces can be suitably accessed by an average sized car.

Therefore, the swept path analysis of a 12.205m long refuse vehicle demonstrated within Drawing Number 171381-004 rev O, should provide sufficient confidence that the site is suitable to accommodate infrequent larger deliveries by a rigid truck such as moving into a property or taking delivery of such as larger furniture.

The majority of the surrounding highway network includes footways and crossing facilities at junctions to assist pedestrians. Furthermore, as shown within Drawing Number 171381-002 rev O a new footway would extend along the site frontage at London Road north of the site access, extending north to join the existing footways at Waterdell Lane.

Highways comments:

The HA's comments are a follow on and in addition to the previous comments.

The HA's previous comments stated the following:

From the details submitted some sections of the access road are considered too narrow and may require localised widening to accommodate the swept path analysis of the range of waste collection vehicles in current use (Mercedes Dennis Econic 12.2 metres in length) that would serve the development, without encroaching onto footways or private amenity areas.

It has been noted that the swept path analysis have been successfully been carried out on the turning areas but the internal junctions adjacent to plots 34 and 35 should be tested to demonstrate that the geometry of the layout would accommodate large vehicles without encroaching over the edge of the carriageway, overhangs are not acceptable.

The multi manoeuvring required for a HGV driver that would have to steer a large vehicle is considered unreasonable and therefore the proposed access layout is considered to be inadequate to service the proposal without further tracking testing.

The HA has reviewed the revised TS dated Feb 23, and relative to the previously submitted TS dated Dec 21 the only changes found between the TS's are those extracted and listed above in the brief description, mostly with updated drawing numbers.

Consequently, as outlined in the HA's comments dated 25 Jan 22, the HA would repeat the previously submitted comments on the internal road layout as follows:

To confirm that the geometry of the horizontal alignment of the road layout has sufficient capacity to accommodate two-way traffic for vehicles likely to serve the development a swept path analysis which has been tested on the road layout drawing which demonstrates that a waste collection vehicle has sufficient room to access the principal access and side roads and shows that the layout would accommodate the manoeuvrability of waste collection vehicles at the new roundabout and internal road layout without encroaching over footways and private amenity areas.

The details of the above vehicle tracking would accommodate fire and rescue vehicles also needed for delivery and other emergency vehicles at the end of the cul-de-sacs, along the principal access road and the turning areas.

Recommendation:

The development is considered to be in accordance with both the National and local Policies. Therefore, the Highway Authority's formal recommendation is to grant approval subject to the recommended planning conditions. The applicant will also need to enter into s278 Agreement with the Highway Authority which comprises of the design, construction, implementation and adoption of highway works within the existing public highway.

3.13 Hitchin Forum

Thank you for your letter dated 28 March 2023, drawing our attention to amendments to the above planning application. We commented on this application in February, 2022.

We note that there are changes to the drawings and revisions and changes to some of the documents. These include a reduction from 62 to 52 dwellings.

However, we cannot see an updated Planning Statement, or other information, including the affordable dwelling proposals - previously given as 40%. This needs to be spelled-out. We note that the Transport Statement - Rev1, refers in Clause 3.3 to the Draft Local Plan - this was of course adopted in November 2022, removing the site from the Green Belt. This and any other similar out-of-date statements should be corrected.

The Transport Statement includes projected vehicle movements to and from the site of 282 over 12 hours. Our previous letter noted that this site is just south of another proposed development, Land North of Pound Farm, reference 21/00434/HYA, involving up to 84 dwellings and also accessed from the B656 London Road. It is also not far north of NHC's outline proposed 'safeguarded' scheme in the Green Belt involving up to 3,100 dwellings which will link up with Stevenage's 1,500 home western expansion. Taken together with this proposal, it will involve a massive increase in development of the area, resulting in loss of countryside, loss of character, urban sprawl, traffic congestion and stresses on water supply and wastewater treatment.

In addition, there is the important matter of educational provision for the children from this development. We understand that the existing St Ippolyts school is out of capacity, and the County's intention is to provide spaces at a not-yet built school located on the proposed Highover Farm site, miles away on the other side of Hitchin. At the meeting for the 21/00434/HYA application, in April 2022, the County's officer suggested that the schools provision will normalise with time, following a 'cascade' effect, with pupils having to put up with unsatisfactory arrangements until matters resolve themselves. It seems to us unfair on the children who will live on them, that all these houses - here and at Pound Farm - are being proposed without matching schools to serve them.

3.14 Environmental Health Air Quality

No objection.

3.15 Anglian Water

No objection.

3.16 HCC Fire and Rescue

This will require a condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue service. This is to ensure there are adequate water supplies available for use in the event of an emergency.

This was previously requested for inclusion within the section 106.

3.17 Herts County Council Archaeology

The proposed development site is adjacent to St Ibbs House [Historic Environment Record No 15998], which dates to the 18th century, and its remnant parkland [HER 18304]. A Grade II Listed double chambered ice-house, which was built to serve the house, stands in the south-eastern corner of the proposed development site. The icehouse [HER 215] consists of two brick-lined underground chambers, covered by a brick dome and entered by a segmental arched vaulted passage about 1m wide and

about 3m long. This unusual structure should be protected and its setting enhanced, should such a development proposal gain planning consent.

Although no other archaeological remains are known from the site, the surrounding area contains a high density of prehistoric and Roman remains, including cropmarks representing probable Bronze Age barrows. St Ippolyts and its neighbouring settlements have medieval or earlier origins.

As a result of a previous planning application for the site (18/1526/PRE) a geophysical survey was conducted (Tigergeo), which demonstrated a generally low potential but distinct archaeological features were identified including a linear and a small enclosure.

I consider that the proposed development should therefore be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant outline consent:

1. The archaeological field evaluation, via trial trenching of 4% of the proposed development area, including all areas of impact, including specifically targeting the linear feature revealed in the centre of the site and enclosure revealed in the southwest of the site, prior to any development commencing;
2. Such appropriate mitigation measures indicated as necessary by this evaluation.

These may include:

- a. the preservation of any remains in situ, if warranted,
 - b. appropriate archaeological excavation and recording of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
 - c. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
 - d. such other provisions as may be necessary to protect the archaeological interests of the site;
3. the analysis of the results of the archaeological work, with provisions for the subsequent production of a report and an archive, and the publication of the results, as appropriate;
 4. such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 205, etc. of the National Planning Policy Framework, and relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic

England, 2015).

In this case an appropriately worded condition on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

3.18 CPRE - The Hertfordshire Society

(Comments 16 February 2022)

I write with regard to the above application which constitutes amendments to the original application, mainly in the reduction of the number of units proposed, and alterations to the layout and related matters. CPRE Hertfordshire objected to the original application, and maintains its objections for the following reasons.

1. The site lies within the London Metropolitan Green Belt as defined in the adopted North Herts District Local Plan No. 2 and the proposed development exceeds in both area and quantum of development set out in Policy S1 of the Submission Local Plan currently subject to Examination in Public. In the Planning Statement accompanying the application, the Applicant chooses to discount the current North Herts District Local Plan on the basis that the Submission Local Plan is sufficiently advanced that the application should be considered against the policies included in it.

2. Until such time as the Submission Plan is adopted, the District Local Plan No. 2 remains in force. This proposal is contrary to Policies 2 and 3 of the adopted District Local Plan No. 2 and in our view does not meet any of the exception criteria in Paragraphs 145 and 146 of the National Planning Policy Framework and is thus inappropriate development in the Green Belt.

3. Very special circumstances are required to be demonstrated to outweigh the harm due to inappropriateness and the Applicant cites the Council's inability to demonstrate a five year housing land supply. National Planning Practice Guidance confirms that the unmet need for housing is unlikely to outweigh the harm to Green Belt policies to tip the balance in favour of inappropriate development.

4. CPRE Hertfordshire has also, at the Examination in Public, identified that the household projections for North Herts, issued by the Office for National Statistics (ONS) in June 2020, indicate a significant reduction when compared to the 2014 projections used by the Council. Recent ministerial statements have also re-emphasised the need to protect the Green Belt from inappropriate development.

5. This application is also premature in that it would pre-empt the outcome of the Examination in Public undermining the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan.

6. The application site plan incorporates land which is not part of the designated site as shown on the Local Plan Proposals Maps. This results in a greater land take from the Green Belt than proposed in the Submission Local Plan (a matter which should be resolved through the Examination in Public, not by applications such as this). The proposal is a clear encroachment on the countryside and adds a sprawling residential development on the edge of the existing village.

7. The amended application includes amendments to the Public Right of Way which bisects the site. In our view the revised proposals do not meet the Hertfordshire County Council requirements for maintenance of the existing situation as a minimum, and preferably this central public route should be enhanced as a wildlife corridor, part of a green and blue infrastructure biodiversity and sustainable drainage plan.

8. We noted the original objections of the HMWT to the failure to demonstrate biodiversity enhancement as part of the submissions in accordance with the NPPF. Recent environment legislation (Environment Act 2021) strengthens the requirement to take account of biodiversity gain in development proposals.

9. This proposal adjoining open countryside offers opportunities for significant biodiversity gain which are not demonstrated to any reasonable extent by this application. The barest minimum metric-based proposals are made for a highly sensitive site in a traditional speculative housing layout which is a disappointing response to the developer's stated aims.

10. We note that the current road layout would allow for access onto land in the same ownership. This should be resisted as this land is not designated for development in the Submission Local Plan and the road layout and distribution of the housing units adds to the banal character of the proposal.

3.19 Waste Officer

(Comments 7 February 2022)

I can see a swept path has been provided, however the entrances to the side roads have not been included, by this I mean the roads off the main drag have not been marked to show the vehicle can access in a forward or backward motion.

I can't work out how many properties are in the flat blocks to see if the bin stores are the appropriate size.

3.20 Affinity Water

Water quality

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

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

Any works involving excavations below the chalk groundwater table (for example,

piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

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

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

3.21 Natural England

No comments to make on the application.

3.22 Principal Urban Designer and Landscape Architect Planning Policy NHDC

(Comments 9 December 2020)

The Site

1. The site is located on the southern edge of Gosmore and currently lies within the Green Belt designation. This is site allocation SI1 in the submission Local Plan with a dwelling estimate of 40 homes and site-specific criteria (including main modifications) include:
 - Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery;
 - Additional planting to provide a continuous hedgerow boundary around the south-west of the site;

- Appropriate noise mitigation measures, to potentially include insulation and appropriate orientation of living spaces.

2. The site comprises the field to the south of Waterdell Lane and part of the field to its west. It is bounded by London Road on the east side, Half Harkerchief Lane on the south side, agricultural land to the west side and the rear gardens of residential properties along Waterdell Lane to the north. There are hedgerows along London Road and Half Harkerchief Lane which provide some screening and further contained by the rear gardens of properties on Waterdell Lane and the woodland on the south side of Half Harkerchief Lane. The site is open to the countryside which rises up to the west.

The Proposals

3. The emerging Local Plan Policy map shows the western boundary of SI1 in line with the rear gardens of properties lying to the north on the western side of Waterdell Lane. However, this application includes a rectangle of land to the west of that which is proposed as open space for the development. This land would be in the Green Belt, outside the proposed settlement boundary and appears to be landscaped to create a small mound in a central location.

It would have limited connection with the development.

4. Public Right of Way PROW11 runs north-south through the site, linking Waterdell Lane and Half Harkerchief Lane which can provide a pedestrian route into the village from the development.

5. Vehicular access will be off London Road which will require the removal of some of the existing hedgerow. Pedestrian access to and from the site is also achieved from Waterdell Lane and Half Harkerchief Lane via the PROW.

6. The number of dwellings proposed for the site is for 62 which is a 55% increase over the dwelling estimate of 40 in the emerging Local Plan. This creates a cramped layout. This is an edge of village site and the density and layout should reflect this. All residential buildings are two storeys which reflects the surrounding properties, but I would have liked to see more variety in the type of properties. The proposal shows that the 62 dwellings are a mix of flats (7), short terraces (17), and semi-detached (6) but mainly detached properties (32). This doesn't reflect the surrounding properties.

7. Reducing the number of dwellings would allow the open space provision to be accommodated within the site itself, rather than adjoining it. It would also create space for structural tree planting and/or hedging along the access roads within the scheme. It would also ensure sufficient space around the periphery of the site to provide landscape buffers to help screen the development and create an improved edge of settlement scheme.

8. Two main areas of open space are proposed, one is at the eastern side next to the entrance off London Road and incorporates the attenuation basin drainage scheme. The other area is on the western side outside the site allocation area and again proposed to be artificially engineered, creating a formal landscape character. The spaces are not integrated into the scheme. This has two detrimental implications firstly it extends the developed area and changes the character of the land from agricultural to amenity and secondly it means there is no hierarchy of interconnected green open space within the development.

9. The other areas of amenity space are the LEAP and the incidental green space alongside the PROW. There should be a stronger green route along the PROW. Front gardens are very small and will therefore not be able to contribute much to the landscape setting for the development.

10. Properties on plots 20, 27, 31, 32 & 39, are positioned too close to the boundary along Half Hankerchief Lane. The DAS on p 17 states that 'Half Hankerchief Lane is outside the of the application site ... and it will retain the rural character of a minor country lane'. Buildings are proposed to be located less than 5m away from the road edge so they will be visible and have an impact on the character of Half Hankerchief Lane. The existing hedgerow along the southern boundary needs protecting to ensure it survives for the future. Setting properties further back from it will achieve this and allow the creation of a buffer to screen them and reduce their impact on a rural lane.

The footprint of the property on Plot 33 appears to be within the root protection area (RPA) of T7. Have the root protection areas of existing vegetation along Half Hankerchief Lane been taken into consideration? There should be lower density along the southern boundary to create a more informal rural edge.

11. There are no views of the entrance into the site from Waterdell Lane either travelling westwards or southwards. This is the place where the new development meets the existing residential development on Waterdell Lane. I don't think enough consideration has been given as to how this space will function and how it links the two communities together.

12. I have concerns about some of the responses to the 12 Building for Life criteria set out in Section 6 of the DAS sets

13. A detailed landscape scheme together with maintenance and management schedules for the future are required.

14. In conclusion, the scheme would benefit from:

- i) a reduction in the number dwellings to create a layout that reflects the site's edge of Gosmore location;
- ii) an improved interface with the existing community;
- iii) a hierarchy of interconnected open spaces within the site boundary;
- iv) development set back from the southern and western boundaries to allow for landscape buffers to create a softer transition between the settlement and the countryside.

3.23 Herts CC Minerals and Waste Policy Team

No objections.

3.24 Transport Officer Planning Policy NHDC

(Comments 25 November 2020)

Please can I request bus infrastructure contributions towards the two nearby bus stops, (London Road Crossroads n/b ID: hrtgdwjm & s/b ID: hrtgdpj) via s278 as both require refurbishment, the improvements will encourage new residents to catch the bus:

Shelter and benches, £8000 per stop

Kessel Kerbs, £8000 per stop

Real Time Screen, £10000 per stop

3.25 Herts and Middx Wildlife Trust

Objection: Preliminary survey not appropriate, required surveys have not been completed, no Defra biodiversity net gain (BNG) assessment, net gain not demonstrated, bat and bird boxes should be integrated in the development.

1. The 'preliminary' ecological appraisal (PEA) survey does not demonstrate biodiversity net gain. It also identifies the potential presence of protected species and recommends that more surveys are required to assess what mitigation is required to facilitate the development. The point of a preliminary survey is to identify constraints. This survey is not a full ecological survey and so is not appropriate to support a full application.

The CIEEM guidelines on PEA states:

'1.5 Under normal circumstances it is not appropriate to submit a PEA in support of a planning application because the scope of a PEA is unlikely to fully meet planning authority requirements in respect of biodiversity policy and implications for protected species.'

This application should not be determined until a full ecological survey has been conducted in accordance with BS 42020 which shows; what is there, how it will be impacted and most importantly how any negative impacts can be avoided, mitigated or compensated, in a measurable way, so that BNG can be clearly shown, in accordance with NPPF and the draft NHDLP. All necessary surveys as listed in the preliminary ecological survey must be completed. Of particular importance are the bat surveys given the proximity of the potential hibernation site in the ice house.

2. NPPF 170 states that 'planning decisions should contribute to and enhance the natural and local environment by ;

d) minimising impacts on and providing net gains for biodiversity'

This application offers no quantification of impacts i.e. a BNG assessment, and therefore patently does not demonstrate how net gain will be achieved. It is therefore not consistent with NPPF and must be refused. Once a full ecological report has been submitted with an acceptable and verified ecological report has been approved the application can be determined.

3. Free hanging bat and bird boxes are not permanent, or secure and are prone to theft or vandalism. Bat and bird boxes (e.g. habitat) should be integrated into the brickwork of houses in the development bordering open space or beneficial habitat. The plans should be altered to reflect this.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The site is approx. 3.2 ha in size. The majority of the site has an agricultural arable use, and slopes down gently from northwest to southeast. A public footpath runs across the site from NW to SE, connecting adjacent public highways Waterdell Lane and Half Handkerchief Lane. The site also includes small parts of Waterdell Lane and London Road for access to and from the site.
- 4.1.2 The main part of the site is land adjoining London Road and land to the west. Between the west edge of London Road and the open land is a narrow band of deciduous mature trees and vegetation along all of that frontage. In the SW of this group of trees is a Grade II listed Ice House which is subterranean but with two small entrances below the adjacent ground level.
- 4.1.3 The mature trees at the front continue along the north boundary (also including some smaller vegetation and 1.8-2m high fencing) reaching No. 81 Waterdell Lane. Trees and vegetation continue for a small distance along the SE boundary of No. 81, with most of that boundary being 2m high close-boarded fencing. The boundary with Half Handkerchief Lane is comprised of hedges/vegetation with a small number of mature trees near the footpath. The SW boundary of the site comprises low vegetation with an adjoining field, with part running through an existing field on no natural or man-made boundary feature.
- 4.1.4 The site is on the southern edge of St Ippolyts, a small village near the south of Hitchin. The north boundary of the site is adjacent to the boundaries of Nos. 7-53 and 81 Waterdell Lane, and the Parish Hall. Two dwellings are near the SE corner of the site, with one of these (St Ibbs Lodge) being a Grade II listed building. Agricultural land is predominantly to the east and west. A wooded area is to the south behind St Ibbs Lodge. Dwellings in Waterdell Lane the adjoin and are near the site are two storey semi-detached and terraced dwellings, and detached bungalows. A shop is a short distance north of the Parish Hall.
- 4.1.5 The majority of the site is in allocated Housing Site SI1. SI1, and parts of the site covering Waterdell Lane and London Road, are in the settlement boundary of St Ippolyts and Gosmore, which is a Category A village in the Local Plan. A rectangular western area of the site outside of SI1 is in the Green Belt, as is part of the site on London Road. Nine individual trees within the site have Tree Preservation Orders on them, with most of these trees near the boundary with Waterdell Lane dwellings (the remaining two TPO's are near the boundary with Half Handkerchief Lane).

4.2 Proposal

- 4.2.1 Planning permission is sought for:

Erection of 52 dwellings including open space, landscaping, local area for play, and associated highway works (as amended by plans received 09/03/23).

- 4.2.2 The residential development would be wholly within the area of SI1. It would have one vehicular entrance, which would be a new access onto London Road. The internal layout would be a road heading SW from the entrance beyond the footpath, which would branch out in three directions to SE and SW. Single and multiple driveways and parking spaces would branch off all of the main roads.

- 4.2.3 The dwellings would all be two storeys, with an additional two storey building of 6 flats. The dwellings would be a mix of detached, semi-detached and terraced. The housing mix would be 4x one bedroom units, 11x two bedroom units, 14x three bedroom units, 17x four bedroom units and 6x five bedroom units. 31 of the dwellings would be market units. The remaining 21 units would be affordable dwelling. 13 of the affordable housing units would be affordable rented units (4x one bedroom flats, 2x two bedroom flats, 3x two bedroom houses, and 4x four bedroom houses). One five bedroom dwelling would be social rent. The remaining seven affordable units would be shared ownership, containing 2x two bedroom houses, 4x three bedroom houses and 1x four bedroom house.
- 4.2.4 The dwellings would be two storeys, mainly with gable roofs. Many would have single storey elements such as attached or detached garages. The external materials are proposed to be a mix of red brick, boarding (black, off-white and grey), cream render, and plain tiles and pantiles.
- 4.2.5 The development would include new hard and soft landscaping, with new trees and other planting throughout the site. Some trees at the front of the site with London Road would be removed to build the access and visibility. An open area comprising a SuDS attenuation basin and a surrounding meadow with a path to the Ice House would be at the east of the site near the entrance. A smaller open area including a Local Area for Play (LAP) is proposed on the west adjacent to No. 81 Waterdell Lane and the public highway. Smaller strips of landscaping and planting would be spread around the site. The rectangular area in the SW in the Green Belt is proposed to be for biodiversity with no public access. The public footpath will be maintained, but will have an improved surface material, and would also be widened to provide additional access for cyclists. A gate with access will be included on the SW boundary to provide agricultural access to the remaining adjacent field. The listed Ice House will be on the eastern edge of the SuDS area, which would be managed by a Conservation Management Plan.

4.3 Key Issues

- 4.3.1 The key issues for consideration are as follows:
- The principle of the proposed works in this location.
 - The design of the proposed development and its resultant impact on the character and appearance of the area, including on designated heritage assets.
 - The living conditions of neighbouring properties.
 - Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
 - The acceptability of the proposed development with regards to parking, sustainable transport, and impacts on the public highway.
 - The quality of landscaping proposed and the impact the proposed development would have on trees.
 - The impact that the proposed development would have on ecology and protected species.
 - The impact of the proposal on drainage and flood risk.
 - The appropriateness of the planning obligations proposed.
 - All other matters.

Principle of Development:

- 4.3.2 The new residential development is proposed within site SI1. Policy SI1 allocates most of the application site for about 40 homes and sets out the following criteria:
- Detailed drainage strategy identifying water infrastructure required and mechanism for delivery;
 - Additional planting to provide a continuous hedgerow boundary around the south-west of the site; and
 - Appropriate noise mitigation measures, to potentially include insulation and appropriate orientation of living spaces

In the November 2022 adopted Local Plan, this site was formally allocated for new housing as well as being taken outside of the Green Belt and placed within the settlement boundary of Gosmore. Under Policy SP2 of the Local Plan, Gosmore is a Category A village, where general development will be allowed within Category A village boundaries. On this basis, the development that is proposed within SI1 is acceptable in principle.

- 4.3.3 Two parts of the site as outlined in red are in the Green Belt. The eastern area in the Green Belt is part of London Road which is included as this is part of a public highway that the new access would link with, however no development is being proposed within this area therefore this would not conflict with Green Belt policies.
- 4.3.4 The other part of the site in the Green Belt is an area on its SW. In the Green Belt, only certain types of development are acceptable in principle. If development is not acceptable in principle it will be inappropriate and should not be approved except in very special circumstances. Policy SP5 of the adopted Local Plan states that planning permission will be granted for development that is appropriate in the Green Belt. Development that is not inappropriate is defined in the NPPF paragraphs 149 and 150, which are:

149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

150. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

- 4.3.5 The proposal would change the use of this land from agriculture to planting for biodiversity. This use would be considered to comply with 150 e) of the NPPF as it would preserve the openness of the Green Belt as it would not include built form, and it would not be for public or private use. The principle of the proposed development is considered acceptable. The proposal complies with Policies SP2 and SP5 of the Local Plan, and Section 13 of the NPPF.

Character and appearance, layout, size, scale and design, impacts on heritage assets:

- 4.3.6 The proposal would result in new residential development on agricultural land that is part of a wide area of open countryside, which would change its character and appearance significantly through urbanisation. The proposed residential development would be within allocated housing site SI1 and within the settlement boundary of Gosmore under the adopted Local Plan, where new housing development is permitted by the relevant policies and is also required to deliver new housing by Policy SP8. The urbanisation of the site is therefore an inevitable consequence of these policies.
- 4.3.7 The application proposes 52 dwellings, which is 12 dwellings more than the dwelling estimate of 40 for Policy SI1, and is a 30% increase on that figure. Policy HS1 a) states that development on allocated housing sites such as SI1 should broadly accord with the indicative number of homes shown. 'Broadly' is not defined in the Local Plan, therefore the number of dwellings for an allocated site could be more or less than a dwelling estimate. Para. 8.3 (supporting text of HS1) of the Local Plan states *We will take a design-led approach to each site as schemes are brought forward. This may result in housing numbers changing in response to the pre-application and planning application process and our policy approach allows for development to fall within a reasonable range of our initial expectations.*
- 4.3.8 It is considered that HS1 can allow for numbers of dwellings greater or less than the estimate for an allocated site, if an application is of an acceptable design. It is not considered that the proposed number of dwellings when compared to the site estimate is unacceptable in isolation.
- 4.3.9 The density of the development in the area allocated for SI1 (measured as approx. 31,900 m² or 3.19ha) would be 16.3 per hectare. As a comparison, the 30 dwellings on the SE side of Waterdell Lane adjoining the site (up to No. 53) in an area of approx. 2.12 ha, have a density of 14.2/ha. Dwellings on the north of Waterdell Lane have a higher density than

the proposed development due to the numbers of terraces and smaller plots. In overall terms, the density of the proposed development is considered comparable to nearby areas of Gosmore, and of existing dwellings on the present southern edge of the village.

- 4.3.10 The main entrance to the development would be off London Road, with a single road going across the length of this part of the site and over the footpath, and then branching NW. In this respect, the main road layout is considered to follow that of Waterdell Lane above, and also relates to the more irregular shape of the site. The main internal road will also have single and multiple driveways branching off it, which are also considered to relate acceptably to the shape of the site and the aim of delivering the dwellings required on it.
- 4.3.11 The dwellings on the north side of the entrance road would be a line of detached with smaller dwellings at each end, including a terrace and a semi-detached pair, and would be similar to the pattern of dwellings on the SE side of Waterdell Lane that share boundaries with the site. The other dwellings would be largely in clusters, which are considered to be in keeping with the shape of the site and the need to retain the footpath.
- 4.3.12 The SuDS attenuation area and the main area of public open space are considered to be in acceptable locations which will enable the built form of the development to be set back from London Road and Waterdell Lane respectively. The location, design and integration of these areas into the development will also help to provide a sense of place and identity. The development would be considered to be sited sufficiently far from the SW and SE boundaries of the site to avoid appearing cramped, to provide sufficient room for soft landscaping, and to minimise the visual impacts of the development from Half Handkerchief Lane. The spacing between the dwellings is considered overall to be more spacious, and is in keeping with the more rural location of the site between Gosmore and open countryside.
- 4.3.13 The dwellings would be a mix of detached, semi-detached and terraced, and there would also be a larger two storey building containing six flats. Most dwellings would have gable roofs, with four having hipped roofs. All detached garages (apart from one) would have hipped roofs. Some dwellings would have attached single storey projections, which would have a mix of gable and hipped roofs. External materials would vary, ranging from boarding and render to brick, and red and brown roof tiles. It is considered that there would be a diversity of appearance of the dwellings and that they would be of an acceptable appearance of sufficient quality for a larger-scale development such as this. The heights of the dwellings (varying from approx. 8.3m to 10.6m, with most being at the lower end of this range) are overall not considered excessive or untypical for such development, and their impacts would be largely being read within the site with limited impacts on the character and appearance of Waterdell Lane and the wider locality. It is considered that Class A and B household permitted development rights be removed by condition to minimise the potential for alterations that could potentially be visually harmful to the development (and to future occupiers), which would allow such alterations to be controlled by the LPA.
- 4.3.14 The proposed housing mix consists of 31% smaller units (1 or 2 beds) and 69% larger units (3+ beds), which is close to the 40% and 60% assumption of para. 8.21 of Local Plan Policy HS3 and is considered acceptable.
- 4.3.15 The front entrance of the site would feature brick piers and railings either side of the entrance road, which are considered to provide a distinctive feature at this part of the site

without appearing overly obtrusive. This would also appear as a less urbanised version of the main accesses to nearby dwellings Queenborough and St Ibbs Lodge. No gates are shown here, which would be discouraged as the potential for a gated community would be out of character, and would have such permitted development rights removed by condition. The pedestrian and cycle entrance to the site on Waterdell Lane would be more open with new and existing planting, which would be similar to the existing area around the present footpath entrance, and is acceptable. Part of the site to the west is proposed to be for biodiversity comprising a wildflower meadow surrounded by planting which would not be publicly accessible, which is considered would appear as being consistent with the location of the site in the countryside.

4.3.16 The site contains a Grade II listed Ice House, which is a designated heritage asset. St Ibbs Lodge nearby to the SE is also Grade II listed and a designated heritage asset. In accordance with Policy HE1 of the Local Plan, and Section 16 of the NPPF, the settings and significance of both of these assets are required to be assessed.

4.3.17 The proposal will not directly affect the historic fabric of the listed buildings as the SE corner of the site where the Ice House is and where St Ibbs Lodge is closest to, is proposed to be kept open and undeveloped (apart from a minor path leading to the Ice House, which also would not affect the historic fabric of that heritage asset). The proposed development could potentially affect the settings of these assets.

4.3.18 The applicant has submitted a Built Heritage Statement, which states in Section 6.0:

A detailed examination of the development proposals has been undertaken, together with an assessment of its likely impacts on the significance of the relevant Built Heritage Assets. It has been demonstrated that the proposed development will cause an at most low degree of less than substantial harm to the St Ibbs Lodge and have a neutral (no) impact on the significance of all other relevant Built Heritage Assets.

A positive impact is identified as a result of the proposed development improving the visibility and long term maintenance of the Ice House within the Site. The provision of a suitable conservation led structural survey, schedule of repair and detailed management plan of the Ice House could be secured by suitably worded planning conditions attached to the granting of planning consent.

This Built Heritage Statement is sufficient in respect of paragraph 194 of the NPPF to inform a decision on the suitability of the proposals in respect of built heritage matters.

4.3.19 The Council's Conservation Officer has provided these comments in relation to the above, the Built Heritage Statement, and the proposed development as a whole:

In my view, this is a fair conclusion although I would add "It has been demonstrated that the proposed development will cause at most a low degree of less than substantial harm to the St Ibbs Lodge and Ice House and have a neutral (no) impact on the significance of all other relevant Built Heritage Assets".

It is for the case officer to address the 'weighted balance' between harm and public benefits which does include improving the visibility and long-term maintenance of the Ice House (a Building at Risk).

Although I have asserted that there would be some harm (as also established by the applicant's heritage adviser) and even though it may be argued that the proposal fails to satisfy the provisions of Section 66(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, it is considered that the proposal is UNOBJECTIONABLE in heritage terms.

- 4.3.20 In light of the above, it is considered that benefits to the long-term preservation and management of the Ice House outweigh any potential impacts on its setting and significance. Impacts on the setting and significance of St Ibbs Lodge would at most, on the basis of comments from the Conservation Officer, be 'less than substantial', and at the low end of that range. Where any harm is less than substantial, the harm should be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use (NPPF para. 202).
- 4.3.21 The public benefits are the creation of 52 new dwellings (including affordable units), which will provide new housing on an allocated housing site to meet housing need. The public benefits of this are considered moderate to significant, and would outweigh what would be very minor harm to the setting and significance of St Ibbs Lodge. The Conservation Officer has also ultimately found the proposal unobjectionable, subject to conditions relating to the repair and works associated with the Ice House.
- 4.3.22 The amount, size, scale, layout and design of the proposed development is considered acceptable. The proposal is not considered to result in objectionable harms to designated heritage assets. The proposal complies with Policies SP9, SP13, D1 and HE1 of the Local Plan; and Sections 12 and 16 of the NPPF.

Impacts on Residential Amenity:

- 4.3.23 The closest proposed dwelling to St Ibbs Lodge to the SE of the site would be approx. 49m away (Plot 15) and set back from Half Handkerchief Lane, with the two-storey side wall of that dwelling being 12m from a large rear garden of that dwelling, which also has trees and vegetation along much of its north boundary with Half Handkerchief Lane. As such, the proposed development would not be considered to result in overbearing impacts and loss of light and privacy to that dwelling. Dwelling Queenborough to the east is on the other side of London Road from the proposed development, with its curtilage being at least approx. 55m from closest proposed dwelling (Plot 1), therefore at these distances it is not considered that loss of amenity would be caused to that dwelling.
- 4.3.24 The site shares a boundary with many dwellings on the south side of Waterdell Lane. No. 81 Waterdell Lane shares a boundary with the west boundary of the site. The closest building to that dwelling would be the two-storey flat building containing Plots 47-52. This building would be a minimum of approx. 17m from the rear of No. 81, and 13m from its rear garden. While this building would have some visibility from the rear of No. 81, based on its proposed siting, size and design it is not considered that it would appear overbearing or cause loss of light and privacy. The other buildings proposed in the site would be further away and would not harm the amenity of No.81.
- 4.3.25 No. 53 Waterdell Lane shares its south boundary with the site. The closest proposed dwellings to the south would be approx. 17m and 20m from the boundary with No. 53, which are considered sufficiently far to not appear overbearing or cause loss of light and

privacy. Plot 14 would be approx. 12m from the end boundary of the rear garden of No. 53, which is not considered harmful due to this distance and as it would be at an oblique angle. The other proposed dwellings will not harm the amenity of No. 53.

- 4.3.26 Plot 14 would be approx. 3m and 4m minimum from the rear boundaries of Nos. 49 and 51 Waterdell Lane respectively. This dwelling does not include any upper floor side openings, therefore no loss of privacy will be caused in this respect. Plot 14 will be visible from the rear gardens of Nos. 49 and 51, however it is not considered that it will be harmfully overbearing or cause loss of light as the dwelling will be sited to taper away from those gardens with only its NW corner being most visible, while vegetation at the boundary will also reduce visibility of Plot 14. The rear gardens of those dwellings are also long at over 40m which will result in Plot 14 not appearing harmfully prominent for the most part from those gardens, and is not considered unacceptable.
- 4.3.27 The first floor rear windows of Plot 14 would be approx. 11m and 7m from the rear garden boundaries of Nos. 47 and 49 Waterdell Lane respectively. The 11m distance is considered typical of distances of a dwelling to the rear garden of a neighbouring dwelling and is acceptable. The 7m distance would provide more views of the rear gardens of Nos. 49 and 47, however due to its siting views would be limited to the ends of what are long rear gardens of 40m+ and also of vegetation at the ends of those gardens, therefore impacts on privacy are not considered so harmful that planning permission should be refused.
- 4.3.28 Of the other proposed dwellings, Plots 3 to 13 are the only ones that could potentially cause direct loss of amenity to Waterdell Lane dwellings that share a boundary with the site. Of those Plots, No. 3 would be adjacent to the boundary of the Parish Hall and mature trees on that boundary and would not cause loss of amenity. Plots 11, 12 and 13 would be obscured by Plot 14, each other, and by trees, and will not harm amenity. Plots 4 to 10 would be a minimum of 13m from the rear boundaries of the adjoining Waterdell Lane dwellings, which is considered sufficient to avoid causing harmful impacts.
- 4.3.29 The proposed use would result in more noise and lighting than the existing field, however due to the allocation of the site for new housing development some such impacts would be reasonably expected. Noise would be for residential purposes and spread throughout the site, and the play area would be small and not considered to generate significant amounts of noise. The Council's Environmental Health Noise Officer has not objected to the proposal in this respect; therefore, noise impacts are considered acceptable. The area for biodiversity would be used for planting with no public access and will not harm amenity.
- 4.3.30 No details of public street and potentially footpath lighting have been provided, which has the most potential to impact Nos. 53 and 81 Waterdell Lane. It is however considered that details of lighting can be required by condition, which can manage potential impacts. Regarding the objections received, many of these are considered to have been addressed elsewhere in this report. Loss of views and the presence of restrictive covenants are not material planning considerations. The amount of local engagement from the applicant Does not alter the considerations above in respect to impact pursuant to the proposed development. The proposal is not considered harmful to residential amenity. The proposal complies with Policy D3 of the Local Plan.

Amenity of Future Occupiers:

- 4.3.31 Paragraph 130 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. This is largely reflected in Policies D1 and SP9 of the Local Plan. A criterion of Policy SI1 is that appropriate noise mitigation measures, to potentially include insulation and appropriate orientation of living spaces.
- 4.3.32 Policy D1 of the Local Plan states that residential development should meet or exceed the nationally described space standards, dating from 2015. The individual rooms and overall living space of the dwellings are considered in accordance with or exceed these standards, therefore the internal living space proposed is considered acceptable. A condition requiring obscure glazing of some first floor side windows of some of the dwellings will ensure no harmful overlooking within the site.
- 4.3.33 Each dwelling would have its own private garden, and the flats would have access to a communal garden area. The Local Plan does not specify minimum private and communal garden sizes, however it is considered that these gardens would be of an acceptable size and quality for potential occupants of the dwellings.
- 4.3.34 Due to the siting of the proposed dwellings, it is not considered that potential occupants would be adversely affected by uses, buildings, structures, trees and vegetation outside the site. It is also not considered that the new dwellings proposed would adversely affect each other in terms of visual impacts, being overbearing, loss of light, noise and privacy. Agricultural traffic using the gate on the SW boundary would be considered infrequent and not harmful to the living conditions of future occupiers.
- 4.3.35 The development includes one main area of public open space in its NW corner near Nos. 81 and 53 Waterdell Lane. There are also smaller areas of public open space proposed around the SuDS area to the east, and wide landscaping strips around the public footpath and SW site boundary. Policy NE6 of the Local Plan relates to new and improved open space, which refers to Fields in Trust (FT) guidance.
- 4.3.36 Under the FT guidance, a new development of the scale proposed is recommended to provide a Local Area for Play (LAP), and a Locally Equipped Area for Play (LEAP). A LAP is provided in the site on its west side with further open space around it as a buffer, and meets the FT guidance in this respect. A LEAP is not included in the development, however as there are two equipped play areas within walking distance near the site (next a playing field adjacent to the Bowls Club to the north, and in Gosmore playground off Gosmore High Street further to the west), and as the applicant is providing financial planning obligations to allow for improvements to off-site open space (further details will be provided in the planning obligations section of this report), it is considered that the provision of a LEAP is not necessary in this case.
- 4.3.37 The amount and quality of public open space for the development is considered acceptable, and would be accessible within the site to residents. The open space will be maintained and managed in accordance with a submitted Landscape Management Plan to be managed by a Management Company as part of a S106 legal agreement, which complies with Local Plan Policy NE6. Open space around the affordable housing units will be managed by the Housing Association responsible for them, which is also acceptable. Living conditions for future occupants are considered acceptable. The

proposal complies with Policies D1 and NE6 of the Local Plan, and Section 12 of the NPPF.

Parking, Sustainable Transport, and Highways:

- 4.3.38 The Council's residential parking standards are for dwellings with 1 bedroom to have one space minimum, and for dwellings with 2 or more bedrooms to have a minimum of two parking spaces. All dwellings apart from four would have two or more bedrooms. The 4 one bed units would each have one parking space, which satisfies the standards. All dwellings with two or more bedrooms (apart from one two bed flat) would have at least two parking spaces, including garages as these would measure 7m by 3m internally.
- 4.3.39 There would be a shortfall of one parking space for one of the two bed flats as above. The Council's parking standards state: *Reductions from these standards will only be considered where applicants can demonstrate that the accessibility, type, scale, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and on-street conditions justify such variations.*
- 4.3.40 In this case, there are bus stops within short walking distance on London Road and Gosmore High Street. There are also some local services available within Gosmore that can be walked to, while Hitchin is accessible by foot or bicycle. Due to the above, and as the flat would have one parking space in any case, this small shortfall is considered acceptable.
- 4.3.41 Council minimum cycle parking standards are for 1 secure covered space per dwelling, with none if a garage or secure area is provided within the curtilage of each dwelling. The dwellings (excluding the flats) would have cycle parking in sheds or their own garages, which is acceptable. The flats would have a communal cycle store for 6 spaces, and a further 6 visitor cycle bays. Cycle parking is therefore acceptable.
- 4.3.42 Visitor parking provision requirements in the Local Plan are between 0.25 and 0.75 spaces per dwelling (rounded up to nearest whole number) with the higher standard being applied where there are no garages in the schemes and the lower standard applied where every dwelling in the scheme is to be provided with a garage.
- 4.3.43 The total number of visitor parking spaces proposed is 14. The development proposes 27 dwellings with garages, and 25 dwellings without garages, which combined is a minimum of 26 spaces. The amount of visitor spaces proposed would be 12 under this. Reductions in provision will be considered where:
1. *Alternative publicly available off-street parking is available within 2 minutes' walk of the site;*
 2. *Visitor parking arising from small-scale (i.e. infill) development can be accommodated on-street without compromising highway safety, the amenity of existing residents or the ability for businesses to operate; or*
 3. *Relevant evidence is submitted by the applicant which supports a reduction in standard and considers existing and future car ownership and likely visitor demand.*
- 4.3.44 Regarding the above, exception 2 is not relevant. The applicant in a submitted Transport Statement states that the amount of allocated parking for the dwellings exceeds the

minimum requirements, which justifies the under-provision of visitor parking. 137 spaces are provided for the dwellings, which is 37 spaces more than the minimum requirement. It is considered that this surplus of spaces would allow for visitors to park within the curtilages of some of the dwellings with more than two spaces, which provides justification for the amount of visitor spaces.

- 4.3.45 The proposed internal road and driveway arrangement is considered satisfactory, on the basis of the absence of objections from the highways officer, which means that large refuse vehicles would be able to access all parts of the site required to reach refuse collection points. The application also includes a Refuse Plan that is considered demonstrates that the proposed dwellings would be able to store refuse bins within or near their curtilages and that they would be within reasonable distances of refuse collection vehicles.
- 4.3.46 Pedestrian connectivity within the site is considered acceptable as it would utilise the altered public footpath which would be parallel with the NW to SE road, and there would be paved footways on the length of the main SW to NE entrance road that would extend adjacent to the west side of London Road and allow for crossing to link up with paved footways that extend north to Hitchin. The shorter sections of road and the driveways would not have pedestrian footways, however these would experience light amounts of traffic which is not considered would result in adverse impacts to pedestrians.
- 4.3.47 The public footpath within the site would remain but would be re-surfaced and widened to approx. 2m to also allow for cycle access. The altered footpath would have landscaped strips, planting, and new trees alongside it, and would also include wider more open entrances on Waterdell Lane and Half Handkerchief Lane. The County Council have not objected to the proposed alterations to the footpath; therefore, this element of the proposal is considered acceptable. The SW boundary gate would allow for agricultural vehicles to access the adjacent field to that boundary that would remain, which is considered acceptable as agricultural traffic is anticipated to be infrequent and would replace an existing agricultural access further east on Half Handkerchief Lane.
- 4.3.48 Vehicular access to the development would be via a new access to be created onto London Road. In the absence of objections from the highways officer, this is acceptable. Expected traffic generation is not considered significant and has not resulted in any concerns from the highways officer. Details of construction can be required by a Condition requiring a Construction Management Plan as recommended by the highways officer. The proposed development is considered acceptable regarding parking provision, layout, and impacts on the public highway network. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Trees and Landscaping:

- 4.3.49 The site is primarily an open field, with more notable vegetation including mature trees and larger hedges on or near its NE, NW and SE boundaries. Nine mature trees are protected by Tree Preservation Orders (none of the trees are protected by virtue of being in a Conservation Area, or by planning conditions).
- 4.3.50 The proposed development would be outside the root protection areas (RPA's) of five of these trees and would be sufficiently far from them to not affect their canopies or result in future pressures for their removal. Two proposed parking spaces would project into the

RPA's of two protected trees near the NW boundary, however the extent of this projection would be very small and is not considered harmful.

- 4.3.51 The proposed path to the Ice House would extend through part of the RPA of another protected tree, however this would be a minority of the size of the RPA and it is also considered that impacts of the construction of the path can be mitigated by an appropriate condition. Part of a private driveway would extend into the RPA of the southernmost protected tree. However, this is not considered to be a significant or harmful intrusion as this would affect a minority of part of the outer areas of the RPA, and impacts of the construction can also be mitigated by condition.
- 4.3.52 The application proposes the removal of four groups of trees to facilitate the development. Three of these are in the western area of the site. Their removal is considered acceptable as these are young trees that do not make a significant contribution to the character and appearance of the locality, while their loss will also be compensated by new tree planting in similar locations to the existing trees.
- 4.3.53 The most significant tree removal is proposed on the east side of the site with London Road, in association with the proposed access and visibility. These trees are not considered individually significant, although they contribute to the more wooded character of this part of London Road by being part of a continuous row of trees between Half Handkerchief Lane and Waterdell Lane. A tree survey submitted with the application has however identified dieback and a dead elm amongst the tree to be removed, therefore there is some justification for removing dead and dying trees. The loss of these trees will also be compensated by new tree planting near the new site entrance and within the site as a whole, therefore the proposed loss of these trees is considered acceptable.
- 4.3.54 The development includes comprehensive hard and soft landscaping throughout the site. The amount of hard landscaping is not considered excessive given the amount of development. Details of the materials of the various hard surfaces have not been specified, however it is considered that they can be required to be so by condition.
- 4.3.55 The proposed soft landscaping, planting, and boundary treatments, have been fully specified in some of the submitted drawings. There would be a large amount of new tree planting, in particular along the SE and SW boundaries, along the public footpath, and along the main entrance road. Additional extensive and visible hedgerow and more minor vegetation, much of it in more visible locations within the site, would considerably soften the development and contribute positively to its appearance. The new landscaping would also allow the development to comply with one of the objectives of Policy S11 in providing a continuous hedgerow boundary around the SW of the site. There are no objections to the SW boundary gate as it would be of a similar height and design to the fence on that boundary. The SE boundary with Half Handkerchief Lane would be strengthened with more landscaping which would further minimise the visibility of that development from that Lane. The proposal is considered to comply with Local Plan Policies SP9, SP12, D1 and NE2; and Sections 12 and 15 of the NPPF.

Ecology:

- 4.3.56 The application was submitted with a Preliminary Ecological Appraisal report, reptile survey, Great Crested Newt survey, biodiversity net gain calculation, and plans showing biodiversity enhancements.

- 4.3.57 The reptile survey and Great Crested Newt survey did not find such species within the site. The PEA identified bat boxes in the Ice House and potential bat roosts in six of the mature trees in the site, neither of which will be affected by the development. Most perimeter trees, vegetation and hedges will be retained which will minimise impacts on nesting birds. The development will also include bat and bird boxes, hedgehog highways, and a separate biodiversity area including a wild meadow, planting, and log piles for invertebrates, reptiles and amphibians.
- 4.3.58 The development should deliver a biodiversity net gain as required by Policy NE4 of the Local Plan. The Policy does not specify a minimum % required, although it is anticipated that under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) except for small sites will have to deliver at least 10% biodiversity net gain from November 2023.
- 4.3.59 The application was submitted with a biodiversity net gain calculation that states there would be an overall gain of 24.17% for habitat units and a 94.99% gain for hedgerows/linear features, with additional gains from bat and bird boxes. This has not been disputed by Herts Ecology, therefore the biodiversity net gain put forwards is considered accurate, and would deliver a net gain in excess of the expected forthcoming 10% requirements. Impacts on ecology are considered acceptable. The proposal complies with Policies SP12 and NE4 of the Local Plan, and Section 15 of the NPPF.

Drainage and flood risk

- 4.3.60 The site is in Flood Zone 1, therefore the proposed development is not considered to be at risk of flooding from waterways. The key material consideration is therefore whether the development would be able to provide acceptable drainage that would not result in detrimental surface water flooding inside and outside the site. A criterion of Policy S11 is that a detailed drainage strategy is required for the site.
- 4.3.61 The application was submitted with a Flood Risk Assessment and Drainage Strategy Plan drawing. Lead Local Flood Authority (LLFA) have not objected to the latest amended plans and supporting documents, subject to their recommended conditions being attached to any permission granted. These conditions require further details and a detailed management and maintenance plan, which are considered reasonable and necessary, and are recommended to be attached to any permission granted. The proposal therefore complies with Policy NE8 of the Local Plan and Section 14 of the NPPF.

Planning obligations

- 4.3.62 The applicant proposes a number of planning obligations. As set out in paragraph 57 of the NPPF, planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

Following detailed negotiations with the applicant, agreement has been reached on a range of matters that are included in a draft S106. All of the S106 obligations are listed in the following table:

Element	Detail and Justification
Affordable Housing (NHDC)	On site provision of 21 affordable dwellings based on 65% rented tenure (4 x 1-bed flats, 2 x 2 bed flats, 5 x 2 bed houses, 4 x 3 bed houses, 1 x 4 bed house) and 35% intermediate affordable housing tenure (4 x 3 bed houses, 1 x 4 bed house) NHDC Planning Obligations Supplementary Planning Document Local Plan Policy HS2 'Affordable Housing'
Open space/ SUDS management and maintenance arrangements (NHDC)	Open Space Management Company and SUDS Management Scheme to secure the provision and long-term management and maintenance of the open space, play space and SUDS on-site
Pitch sports contribution (NHDC)	Contribution of £360 per Dwelling towards the replacement of changing rooms at Waterdell lane Recreation Ground
Informal open space contribution (NHDC)	Contribution of £385 per Dwelling towards the provision of improvements to off-site open space within the Parish of St Ippolyts
Primary education (HCC)	Contribution of £484,971 (index-linked) towards the expansion of St Ippolyts School Local Plan Policy SP7 'Infrastructure requirements and developer contributions' NHDC Planning Obligations Supplementary Planning Document
Secondary education (HCC)	Contribution of £610,532 (index-linked) towards the expansion of the Priory School Local Plan Policy SP7 'Infrastructure requirements and developer contributions' NHDC Planning Obligations Supplementary Planning Document

Library Services (HCC)	<p>Contribution of £12,484 (index-linked) towards the expansion of Hitchin Library</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Youth Services (HCC)	<p>Contribution of £18,390 (index-linked) towards the expansion of Hitchin Young People's Centre</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Fire Hydrants (HCC)	Provision of fire hydrants for the development
Monitoring Fees (HCC)	<p>Monitoring Fees – HCC will charge monitoring fees.</p> <p>These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (before adjusting for inflation).</p> <p>HCC Guide to Developer Infrastructure Contributions (July 2021)</p>

4.3.63 These obligations have been agreed by the applicant and all relevant parties, and a draft S106 has been submitted to the LPA. These obligations are considered to meet the relevant tests in 4.3.63 and make the development acceptable in planning terms through acceptable mitigation of its impacts on relevant infrastructure.

Climate Change Mitigation:

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

4.4 Conclusion

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

4.5 **Alternative Options**

- 4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

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

5.0 **Legal Implications**

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

6.0 **Recommendation**

- 6.1 That planning permission is resolved to be **GRANTED** subject to the following:

- A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required; and
- B) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives as set out in the report above; and
- C) Conditions and Informatives as set out below:

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

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

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

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

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

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

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

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

5. 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.

6. 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.

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

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

8. No gates (except for the temporary construction phase) shall be provided across the accesses to the site on London Road, Waterdell Lane and Half Handkerchief Lane.

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

9. Prior to the occupation of each dwelling hereby permitted, the car parking spaces shown for that dwelling on the approved plans shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development and to comply with Policy T2 of the North Hertfordshire Local Plan 2011 to 2031.

10. The use of the garages hereby permitted shall remain at all times incidental to the enjoyment of the dwellinghouses to which they relate, and shall not be used in connection with any form of trade, business or commercial activity (aside from the temporary sales suite).

Reason: To safeguard the residential character of the locality and the amenities of nearby residents, both of which would be prejudiced by the activities and visual intrusion likely to be associated with a commercial activity on the site and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

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

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

12. Prior to the commencement of the hard landscaping works, details of all hard surfacing to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

13. In accordance with paragraph 2.22 of the Conservation Management Plan dated 07/07/2022, the following materials:

- (i) Bricks
- (ii) Mortars
- (iii) Fencing
- (iv) Step slabs

to be used for the repairs of both Ice House structures together with an associated method statement, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the repairs. Thereafter, the works shall be implemented in accordance with the approved materials/method statement(s) and prior to the completion of the 52nd (last) residential unit.

Reason: To ensure that special regard is paid to the special character of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Immediate Term' aims of the submitted Conservation Management Plan.

14. Following the completion of the works identified at 2.20 of the Conservation Management Plan dated 07/07/2022, the design (size/content/siting) of a Heritage information board referred to at 3.8 of the Conservation Management Plan, shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the information board. Thereafter, the information board shall be implemented in accordance with the approved details prior to the completion of the 52nd (last) residential unit.

Reason: To ensure that special regard is paid to the setting of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Intermediate Term' aims of the submitted Conservation Management Plan.

15. Full details of the proposed perimeter fence to the Ice House as referred to in paragraph 3.14 of the Conservation Management Plan dated 07/07/2022, shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the fencing. Thereafter, the fencing shall be implemented in accordance with the approved details and prior to the completion of the 52nd (last) residential unit.

Reason: To ensure that special regard is paid to the setting of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Intermediate Term' aims of the submitted Conservation Management Plan.

16. In accordance with paragraph 4.6 and 4.7 of the Conservation Management Plan dated 07/07/2022, a non-intrusive visual inspection by a suitably qualified person with experience in assessing the condition of historic structures, assisted by rope harness equipment, shall be undertaken once every two years. Any works identified as a result of the bi-annual survey shall be undertaken by the site's public open space management company referred to at Appendix II of the Conservation Management Plan.

Reason: To ensure that special regard is paid to the significance of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Long Term' aims of the submitted Conservation Management Plan.

17. If during construction, any contamination not previously identified is found to be present at the site it shall be reported to 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.

18. Prior to the occupation of the dwellings hereby permitted the proposed junction access works shall be provided as identified on the 'in principle' Proposed Site Access Layout identified on drawing number 171381-002 revision O and shall include proposed 3.0 metre wide shared footway/cycleway along the development's frontage along the London Road to include pedestrian crossing points, upgrade improvement works to the bus stop (plated as London Road Crossroads) that are adjacent to the junction of Brookend Lane and pedestrian access improvement to the junction of Brookend Lane as part of the application. The exact location of the accommodating works such as crossing points and markings will need to be agreed in conjunction with appropriate parties.

These facilities shall meet appropriate accessibility standards and be constructed as in accordance with Roads in Hertfordshire Highway Design Guide.

These works shall be secured and undertaken to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Arrangement shall be made for surface water drainage to the main development access to be intercepted and disposed of separately so that it does not discharge from or onto the public highway.

Reason: To ensure satisfactory development and in order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire 'A Guide for New Developments. (section 2 part 1 chapter 9 para 9.4) and to further encourage sustainable modes of transport. In accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan. To comply with Policy T1 of the Local Plan.

19. Prior to the side roads (offsets from the principal access road) are first brought into use, vehicle to vehicle visibility splays of 2.4 metres by 25 metres to both directions shall be provided and permanently maintained as defined on the visibility splay Drawing Number 171381 – 004 revision O, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4.

20. Prior to use the gradient of the principal 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

21. Prior to occupation of any dwellings within the development for which full planning permission has been granted, the following transport infrastructure shall be constructed in

accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in consultation with the Highway Authority:

The provision of a footway as shown on drawing number 171381-003 revision K to tie into Half Hankerchief Lane complete with pedestrian guard rail, including a pedestrian crossing point in Waterdel Lane and complete with raised platform across the principal access road, all details shall be submitted and approved in writing by the Highway Authority.

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

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

The Construction Management Plan of:

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

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

23. Prior to occupation, each proposed new dwelling (52) shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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

24. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason: In the interests of assessing impacts on assets of archaeological interest. To comply with Policy HE4 of the Local Plan.

25. The 'Biodiversity Area' at the west of the site annotated as such on drawing C00205-CSP-EL-XX-DR-L-003-Rev.PL7 shall not be accessible to public or private access, and shall remain as such.

Reason: In the interests of maintaining biodiversity net gain and the control of this part of the development in the Green Belt. To comply with Policies SP5 and NE4 of the Local Plan, and Sections 13 and 15 of the NPPF.

26. No dwelling hereby permitted shall be occupied until a scheme of external lighting has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall be designed to ensure public safety and to minimise the potential effects upon the ecology of the site and its surroundings. The scheme shall include details of external lighting of the Public footpath. 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 scheme shall be implemented as approved and in accordance with an agreed programme/strategy, and the arrangements shall be maintained and retained thereafter.

Reason: In the interests of biodiversity and local amenity. To comply with Policies D1 and NE4 of the Local Plan.

27. Prior to the commencement of these parts of the development, full details shall be provided of sheds for cycle storage as shown on drawing C00205-MCL-EX-XX-DR-A-P0013 Rev D. These details shall then be approved, and the sheds erected and completed before occupation of each dwelling they would be in association with.

Reason: In the interests of providing adequate cycle storage and sustainable transport. To comply with Policies T1 and T2 of the Local Plan.

28. Prior to the occupation of the first dwelling of the development, the biodiversity enhancement measures in drawing C00205-CSP-EL-XX-DR-L-003-Rev.PL7 shall be completed. These measures shall then remain in perpetuity.

Reason: In the interests of securing and maintaining biodiversity net gain and protected species. To comply with Policy NE4 of the Local Plan and Section 15 of the NPPF.

29. Prior to the commencement of above ground construction of the development, a sustainability and energy assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of climate change. To comply with Policy D1 of the Local Plan and Section 14 of the NPPF.

30. Prior to the commencement of the parts of the development that will intrude into the root protection areas of trees protected under TPO/00200 at the south east boundary of the site with Half Handkerchief Lane, full details of the methods of construction and excavation shall

be provided, which shall demonstrate that these trees shall not be harmed. Once approved, the development shall be implemented in accordance with these details.

Reason: In the interests of protecting significant trees. To comply with Policy NE2 of the Local Plan.

31. Prior to commencement of development, in accordance with the submitted FRA (Flood Risk Assessment by Ardent Consulting Engineers, Ref: 191381-02D, rev D, dated February 2023) and Drainage Strategy Plan, Ref. 171381-001 rev K, dated February 2023, detailed design of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed 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:
- I. Surface water runoff will be directed to an attenuation basin with infiltration trenches installed at its bottom to allow the surface water flows to infiltrate into the ground. Any excess water will be stored in the attenuation storage provided.
 - II. The contributing impermeable areas will reflect the areas as proposed within the new development layout (C00205-MCL-EX-XX-DR-A-P0001 Rev D, submitted in March 2023) and be exact as proposed, and not based on assumptions, as currently proposed. Urban creep of 10% will still apply. The total impermeable area should however stay within the limit of 1.45ha as agreed within the FRA.
 - III. 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% and 1% annual probability rainfall events (both including allowances for climate change).
 - IV. Detailed designs, hydraulic calculations and plans of the whole drainage design including the conveyance network and any storage features 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.
 - c. The latest relevant FEH rainfall data should be used in the model provided for the whole drainage network, as it was previously provided for the basin.
 - V. The design of the infiltration / attenuation basin will incorporate an emergency spillway and any drainage structures include 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 plus climate change. The plan will include the proposed finished ground levels and finished floor levels.

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.

32. Prior to the commencement of development, construction drawings of the surface water

drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA (Flood Risk Assessment by Ardent Consulting Engineers, Ref: 191381-02D, rev D, dated February 2023) and Drainage Strategy Plan, Ref. 171381-001 rev K, dated February 2023 and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Local Planning Policies: Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

33. The development hereby approved shall not be first occupied until a detailed maintenance and management plan of the whole sustainable drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
- I. a timetable for its implementation; and
 - II. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Local Planning Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

34. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 31 and Condition 32. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

35. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated February 2023), this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the

surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

36. The north first floor side elevation windows of Plot 34 and Plot 36 shall be obscure glazed. The facing first floor side elevation windows of Plots 9 and 10 shall be obscure glazed. The first floor side elevation windows of Plots 7, 8, 16, 20, 28, 30, 29 and 32 shall be obscure glazed.

Reason: In the interests of privacy and amenity. To comply with Policy D1 of the Local Plan.

Proactive Statement:

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

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

THURSDAY, 14TH SEPTEMBER, 2023

SUPPLEMENTARY AGENDA

Please find attached supplementary papers relating to the above meeting, as follows:

Agenda No Item

9. **20/02412/FP LAND BETWEEN 53 AND 81 AND LAND REAR OF 7-53
WATERDELL LANE, ST IPPOLYTS, HERTFORDSHIRE** (Pages 3 - 4)

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER.

Erection of 52 dwellings including open space, landscaping, local area for play, and associated highway works (as amended by plans received 09/03/23).

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20/02412/FP – Land Between 53 And 81 And Land Rear Of 7-53 Waterdell Lane, St Ippolyts

Report updates:

The report contains the following errors:

- Para. 4.3.61 should also state Policy SI1 is complied with as the drainage strategy is considered acceptable, subject to the conditions recommended by the LLFA.
- Para. 4.3.55 should also state Policy SI1 is complied with due to the planting proposed around the south-west of the site.
- In para. 4.3.31, in the last sentence, change “that” to “for”. This further sentence should then be added at the end of that paragraph: “In this case, no specific noise mitigation measures are considered necessary, and SI1 is complied with.”
- Condition 27 is to be amended so that the drawing number is Rev E, not Rev D.
- Paragraph 4.3.62 in the affordable housing part of the table is to be updated to change 5 x 2 bed houses to 3 x 2 bed houses, and to add 2 x 2 bed houses as part of the 35% intermediate affordable housing tenure
- In paragraph 3.24 the report states the comments from the Transport Officer requesting upgrading works to two bus stops to be sought under a s.278 Agreement. However, these works should be sought in the S106 Agreement as a ‘Sustainable Transport’ contribution. I can confirm the applicant is in agreement for these items to be added to the S106 Heads of Terms.

Other matters

The officer report does not address the request from the Parish Council that they are seeking a contribution towards a public footpath between the NW of Gosmore and the south of Hitchin. The case officer has taken the view during the application that this request does not meet the S106 Obligation tests on the basis that there is an existing continuous, paved, lit, footpath along London Road from the site entrance to Hitchin and thus a contribution towards the investigation / financing of a new footpath to link not adjacent to the application site is not a reasonable request. Furthermore, there are uncertainties about whether such a footpath can be delivered and about the land ownership where the footpath would need to go.

However, clarification from HCC Highways has been sought regarding how it is determined if a new footpath in a locality is needed and how this would be delivered on site. Until further clarification from HCC Highways is received it is considered appropriate to amend the recommendation of the application from that set out under paragraph 6.1 of the report which states:

6.1 That planning permission is resolved to be GRANTED subject to the following:

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

B) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives as set out in the report above; and

C) Conditions and Informatives as set out below:

To:

6.1 That planning permission is resolved to be GRANTED subject to the following:

A) Clarification from HCC Highways regarding local sustainable transport. The response will be shared with the applicant; Parish Council and Chair of Planning Control Committee. If this results in a change to the sustainable transport S106 Contribution for this to be agreed by the Chair of Planning Control Committee;

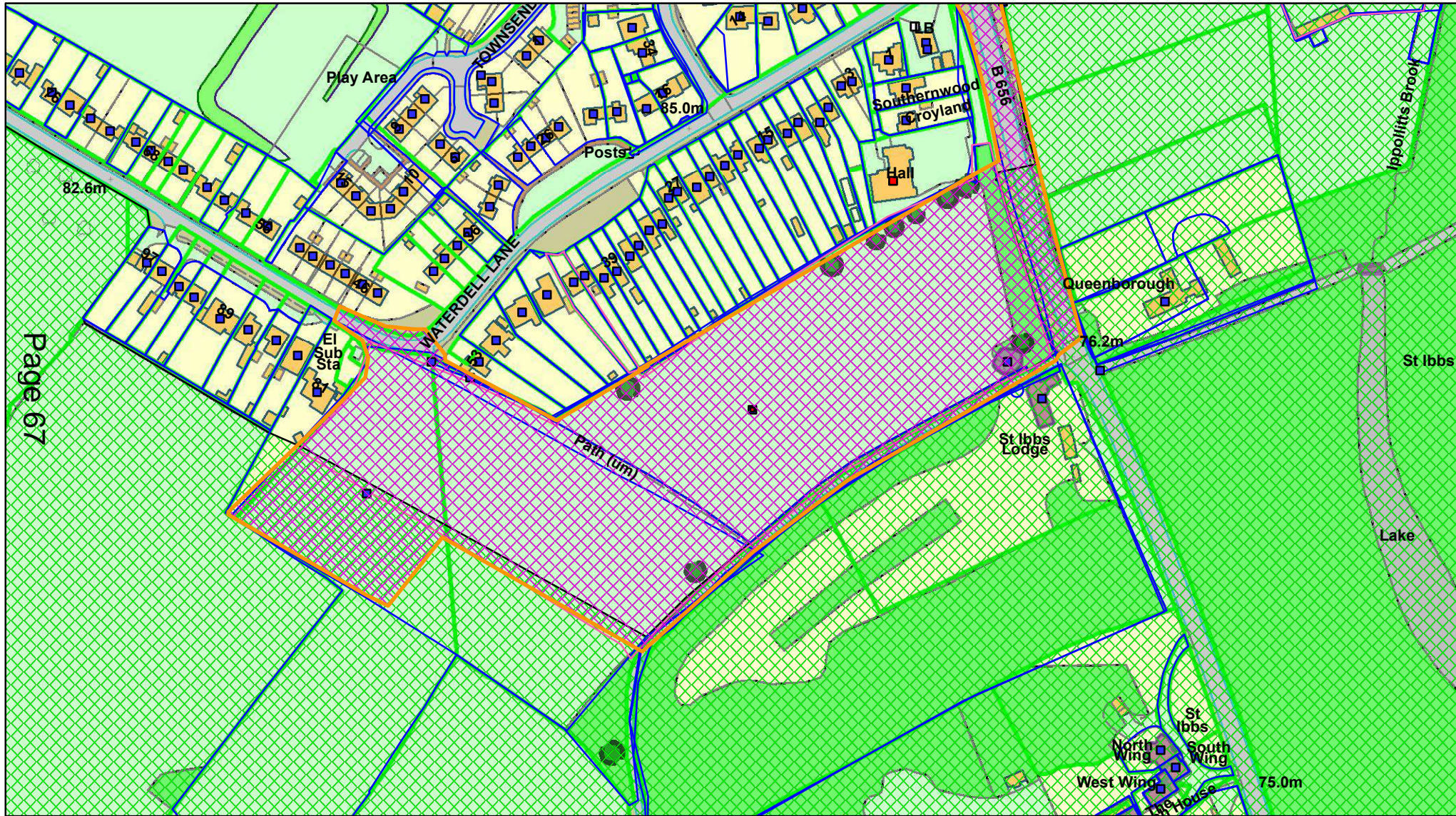
B) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required; and

C) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives as set out in the report above; and

D) Conditions and Informatives as set out below:

NORTH HERTFORDSHIRE DISTRICT COUNCIL

20/02412/FP Land Between 53 and 81 and Land Rear of 7-53 Waterdell Lane, St Ippolyts, Hertfordshire



Scale 1:2,500
Date: 14/09/2023

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<u>Location:</u>	Land On The South Of Oughtonhead Lane Hitchin Hertfordshire SG5 2NA
<u>Applicant:</u>	Cala Homes
<u>Proposal:</u>	Erection of 43 dwellings, access from Lower Innings, associated internal roads, parking, landscaping, amenity space and open space.
<u>Ref. No:</u>	23/00563/FP
<u>Officer:</u>	Ben Glover

Date of expiry of statutory period: 07/06/2023

Extension of statutory period: 21/02/2023

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

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

1.0 **Site History**

23/00555/FP - Creation of access from Lower Innings to Land south of Oughtonhead Lane – Granted Conditional Permission on 02/08/2023.

2.0 **Policies**

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

Spatial Strategy and Strategic Policies

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy

Policy SP6: Sustainable transport

Policy SP7: Infrastructure requirements and developer contributions

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Policy SP13: Historic Environment

Development Management Policies

Policy HT6: Local Housing Allocations and site specific policy criteria – Land at junction of Grays Lane and Lucas Lane

Policy HS1: Local Housing Allocation

Policy HS2: Affordable Housing
 Policy HS3: Housing Mix
 Policy HS5: Accessible and adaptable housing
 Policy T1: Assessment of transport matters
 Policy T2: Parking
 Policy D1: Sustainable design
 Policy D3: Protecting living conditions
 Policy D4: Air quality
 Policy NE1: Strategic green infrastructure
 Policy NE2: Landscape
 Policy NE3: The Chilterns Area of Outstanding Natural Beauty (AONB)
 Policy NE4: Biodiversity and geological sites
 Policy NE6: New and improved open space
 Policy NE7: Reducing flood risk
 Policy NE8: Sustainable drainage systems
 Policy NE9: Water quality and environment
 Policy NE10: Water conservation and wastewater infrastructure

2.2 **Supplementary Planning Documents**

Design SPD
 Developer Contributions SPD 2023
 Vehicle Parking Provision at New Development SPD (2011)
 North Hertfordshire and Stevenage Landscape Character Assessment

2.3 **National Planning Policy Framework (2023)**

Section 2: Achieving sustainable development
 Section 5: Delivering a sufficient supply of homes
 Section 6: Building a strong competitive economy
 Section 8: Promoting healthy and safe communities
 Section 9: Promoting sustainable transport
 Section 11: Making effective use of land
 Section 12: Achieving well-designed places
 Section 14: Meeting the challenge of climate change, flooding and coastal change
 Section 15: Conserving and enhancing the natural environment
 Section 16: Conserving and enhancing the historic environment

2.4 **Hertfordshire County Council**

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

2.5 **National Planning Practice Guidance**

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

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 29/03/2023

Expiry Date: 21/04/2023

3.2 **Press Notice:**

Start Date: 23/03/2023

Expiry Date: 15/04/2023

3.3 Neighbouring Notifications:

97 neighbouring representations have been received, including 92 objections and 1 in support. The representations are shown in full on the NHC website and have been summarised below:

Objections:

- No safe access to the land.
- The access proposed is inappropriate.
- The development would increase existing traffic problems along Redhill Road, Westbury Close, Spellbrooke, Friday Furlong, and Lower Innings.
- Development would result in risk to the public and highway safety.
- Increase in traffic would result in risk to users of the Oughtonhead restricted byway. The proposed development would not enhance the public rights of way as per P.100 of the NPPF.
- Ecological impact of the development through the loss of land and wildlife corridor provided on the existing site.
- No biodiversity net gain.
- Loss of hedgerows, trees, and wildlife habitats.
- Existing highways network is unsuitable for construction traffic.
- Loss of Green Belt land.
- Development would harm local integrity and distinctiveness of Lower Innings and Oughtonhead Lane.
- Increase to pollution in area including noise.
- Increase demand on schools, doctors surgeries, and other facilities and services.
- Need for more affordable homes.
- Request the inclusion of one integrated swift brick per dwelling.
- Development in the area has caused damage that has yet to be repaired.
- Hitchin train station is already overcrowded. The site is not in walking distance to the station resulting in more car journeys to the station.
- The development would be constructed on what is in effect part of Oughton Head Common.
- Site is included within the Hertfordshire Ecological Network for restoration of neutral grassland.
- Lack of public consultation by Cala prior to submission.
- Development of this land is not required as the number of new houses required within the district has been reduced.
- Any new development should be on brownfield sites.
- Public were not consulted about the change of access from Bowlers End to Lower Innings.
- Construction traffic cannot enter the site safely and in a non-disruptive manner from any access point.

Neutral:

- Inclusion of Swift Bricks is welcome. Each dwelling should include a Swift Brick.

Support:

- Hope that trees over hanging Oughton Close will be trimmed over boundary fences.

3.4 **Parish Council / Statutory Consultees:**

HCC Highways – No objection subject to conditions and informatives.

Environmental Health (Contaminated Land) – No objection subject to inclusion of land contamination condition.

Environmental Health (Noise) – No objection subject to informatives.

Environmental Health (Air Quality) – No objection subject to conditions

Affinity Water – No comments received.

Anglian Water – No objection subject to informatives.

Archaeology – No objection subject to conditions.

CPRE Hertfordshire – No comments received.

Environment Agency – No comments received.

HCC Rights of Way – No comments received.

Forward Planning Unit – No comments received.

HCC Growth & Infrastructure – No objection, subject to securing financial contributions via a S106 legal agreement.

Housing Development Officer – No objection subject to the provision of a 40% overall affordable housing contribution. 65% rented affordable housing and 35% intermediate affordable housing.

HCC Planning Obligations Manager – No comments received.

HCC Minerals and Waste – No objection subject to a site waste management condition.

Herts Fire and Rescue – No objection subject to the provision of on-site fire hydrants

Hitchin Forum – No objection. Concerns raised. Comments in full on the NHC website.

Herts & Middlesex Wildlife Trust – Objection. Biodiversity net gain not demonstrated.

The Water Officer – No comments received.

Lead Local Flood Authority – No objection subject to conditions and informatives.

Natural England – No objection.

National Grid – No objection.

Thames Water – No comments received.

UK Power Networks – No comments received.

Transport Policy Officer – No comments received.

Ecology – No comments received.

NHDC Principle Planning Officer – No comments received.

NHDC Planning Policy Officer – No comments received.

Strategic Housing Manager – No comments received.

Hitchin Priory Councillor Chris Lucas – No comments received.

Hitchin Priory Councillor Richard Thake – No comments received.

Hitchin Oughton Councillor Claire Billing – Objection. Please see appendix 1.

Hitchin Oughton Councillor Nigel Mason – Objection. Please see appendix 2.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The application site is a large rectangular field bound by mature vegetation, approximately 1.8ha and is situated on the west side of Hitchin approximately 0.6 miles from the Hitchin Town Centre. The site sits to the south of Oughtonhead Lane, Oughton Close is located to the east, and Hitchin Cricket Club is to the south and west of the site.

4.1.2 The application site is not situated within a Conservation Area and is not situated within the Green Belt. Approximately 1 mile to the west of the site is the Chilterns Area of Outstanding Natural Beauty (AONB).

4.2 Proposal

4.2.1 Planning permission is sought for the erection of 43 dwellings with access from Lower Innings, associated internal roads, parking, amenity space and open space including play area.

4.2.2 The proposals have been previously amended to include changes to visitor car parking spaces and the inclusion of solar panels to most properties where appropriate.

4.2.3 The application site is an allocated site under Policy HT3 of the North Hertfordshire Local Plan 2011-2031.

4.3 Key Issues

4.3.1 The key issues for consideration include:

- The principle of development.
- The impact of the development on the wider landscape and visual setting.
- The design and appearance of the proposal and the impact on the character and appearance of the area.
- Standard of accommodation for future occupiers of the development.
- The impact of the development on the amenity of adjoining properties.
- The impact of the development upon local highways, access, and parking.
- Flood risk and drainage.
- Ecological, landscape and greenspace considerations.
- Environmental health considerations.
- Planning obligations.

Principle of the Proposed Development:

- 4.3.2 The North Hertfordshire Local Plan 2011-2031 (NHLP) was adopted by the Council in November 2022
- 4.3.3 NHLP Policy SP1 on sustainable development in the district is the backbone for considering proposals. It requires the main role of key settlements, such as Hitchin, to be the main focus for new development. Proposals should 'deliver an appropriate mix of homes, jobs and facilities that contribute towards the targets and aspirations of this Plan', 'provide the necessary infrastructure...', 'protect [the] environment', and 'secure any necessary mitigation measures that reduce the impact of development...'
- 4.3.4 The proposal is considered consistent with Policy SP1. The development is appropriately located on the edge of Hitchin and will help maintain the role of Hitchin as a key settlement.
- 4.3.5 The development would also contribute to delivering an appropriate mix of 43 homes within the district including:

	Affordable	Market	Total
2-bed	11	0	11
3-bed	6	4	10
4-bed	0	22	22
Total	17	26	43

- 4.3.6 Policy SP2 identifies a significant housing need in the district which is for 'at least 13,000 new homes' over the plan period. Hitchin is planned to accommodate around 1,800 in total between this Strategic Housing Site, other smaller site allocations for housing, sites within the existing urban area and any other 'windfall sites'.
- 4.3.7 The application site reflects site allocation reference HT3 (Land South of Oughtonhead Lane) for 46 homes. The application proposes the erection of 43 dwellings within the allocated site.
- 4.3.8 Given that the application site is an allocated site for housing within the North Hertfordshire Local Plan, is not situated within the Green Belt, and would maintain the role of Hitchin as a key settlement, the proposed development is considered to be acceptable in principle.

Impact on Landscape Character:

- 4.3.9 Paragraph 180 of the National Planning Policy Framework (NPPF) sets out that planning decisions should contribute and enhance the natural and local environment, including by protecting and enhancing valued landscapes.
- 4.3.10 Paragraph 182 of the NPPF goes on to set out that development within the setting of valued landscapes, such as an AONB, should be sensitively located and designed to avoid or minimise adverse impacts on designated areas.
- 4.3.11 Policy NE2 of the North Hertfordshire Local Plan sets out 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.

- 4.3.12 Site specific policy for HT3 sets out that development on land south of Oughtonhead Lane should incorporate sensitive design to minimise impacts upon landscapes to the west, including longer views from the Chilterns AONB.
- 4.3.13 Following consultation with Natural England, no objection has been raised to the impact of the development upon the setting of the AONB.
- 4.3.14 The site itself is currently an open field with existing residential development on three sides and a cricket pitch to the west. The application site itself is not considered to be a valued landscape.
- 4.3.15 The proposal would retain and incorporate an appropriate landscaped buffer along the western boundary of the application site in the direction of the AONB. This landscape buffer includes the retention of the existing boundary vegetation and the infilling of additional vegetation through native tree shrubs and wildflower planting.
- 4.3.16 Furthermore, the application is accompanied by a Landscape and Visual Impact Assessment document. This document has identified several receptors in the area from which the site would potentially be visible. All viewpoints of the site are situated in publicly accessible places.
- 4.3.17 The document found that the development would have a negligible visual effect on most of the viewpoints identified, with the largest impact upon Oughton Head Lane, which is situated directly to the north of the site. There would be a minor visual effect for users of the Hitchin 003 and Hitchin 005 public rights of way, and the Hitchin 006 public right of way.
- 4.3.18 It is considered that the proposed development would not significantly affect the local or wider visual environment. The development is considered to be sensitively designed and would incorporate appropriate landscaped boundaries to mitigate any potential visual impact to the surrounding landscape. The proposed development is in compliance with both local and national planning policies.

Design, Appearance, and Impact on the Character of the Area:

- 4.3.19 The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 131 of the NPPF goes on to set out that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.3.20 Paragraph 135 of the NPPF sets out that planning decisions should ensure that development will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, establish or maintain a strong sense of place, optimise the site to accommodate and sustain an appropriate amount and mix of development, and to create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users.

- 4.3.21 Policy SP9 of the Local Plan sets out that the Council will ‘*support new development where it is well design and located and responds positively to its local context*’. This is repeated in Policy D1 of the Local Plan. Both Policy SP9 and D1 reflect the principles set out within the NPPF.
- 4.3.22 The proposed development is for 43 dwellings that would sit on the western edge of Hitchin. The site is neighboured to the north, east, and south by existing residential development. The wider area broadly consists of planned residential estates with a mixture of semi-detached and detached dwellings. Further to the south of the application site are two other allocated sites, HT5 and HT6.
- 4.3.23 The proposed development would consist of 43 dwellings that front a U-shaped access road. The site would be bound by a footpath and landscaping forming a wide buffer between existing development and the proposed development. To the north of the site would be a play area.
- 4.3.24 The site would be accessed from the north via Lower Innings. A separate application for the access has been granted planning permission under application reference number 23/00555/FP. The access arrangements to the site and its design are considered acceptable.
- 4.3.25 The proposal would broadly reflect the planned nature of the existing residential development close to the site. The layout of the site would allow for a range of property styles and types, as well as mix and tenure.
- 4.3.26 The density of the development is low at approximately 23 dwellings per hectare. However, this is considered appropriate for this edge of settlement location.
- 4.3.27 There would be a range of two storey dwellings incorporating a variety of materials, roof forms (hipped and gabled), and design features. Materials would include brown and red tone brick, buff brick, red brick, slate, plain, and brindle plain roof tiles. It is considered appropriate to include a sample of materials condition to ensure the quality of materials is appropriate and to comply with Policy D1 of the Local Plan
- 4.3.28 The design of the properties would be acceptable. There would be an appropriate mix and variety to give interest to the site. However, in order to retain the design and appearance of the site and its cohesion, it is considered appropriate to restrict some permitted development rights including Class A, Class B, and Class C of Part 1 to Schedule 2 of the General Permitted Development Order
- 4.3.29 Given the above, it is considered that the proposed development would result in a well-designed housing development on the edge of Hitchin, which protects the character and appearance of the area using landscaping and a suitable layout. The proposed development would be in compliance with both local and national planning policies.

Standard of Amenity for Future Occupiers:

- 4.3.30 Policy D1 of the Local Plan sets out that residential schemes should meet or exceed the nationally described space standards. All proposed dwellings on the site comply with the space standards as a minimum.
- 4.3.31 The Design SPD requires ‘*adequate private space to meet the needs of occupants...the council encourages a mix of garden sizes*’ and should have enough space for ‘*outdoor living requirements such as children’s play, lawn/shrub area for leisure and recreation, recycling bins and storage facilities*’. The development would provide adequate private amenity space for each dwelling.

- 4.3.32 With regards to overlooking and privacy for future occupiers, properties that are back-to-back would have a gap of least 21m. Plots 24 and 25 would have a back to side distance of approximately 17m with Plot 23. With Plot 23 being side on to Plots 24 and 25, it is considered this reduced distance would not result in any unacceptable harm to privacy or amenity of future occupiers.
- 4.3.33 It is considered that the proposed development would provide an acceptable standard of amenity and privacy for future occupiers of the development. Each dwelling would benefit from a well-designed internal space and adequate garden and storage space.

Impact on Neighbouring Properties:

- 4.3.34 Policy D3 of the Local Plan sets out that planning permission will be granted for development proposal which do not cause unacceptable harm to living conditions.
- 4.3.35 The application site is neighboured on three sides by existing residential development. This consists of Lower Innings and Westbury Close to the north, Oughton Close to the west, and Bowlers End to the southeast corner of the site. Along most of the southern boundary and to the west are cricket pitches.
- 4.3.36 The site currently features vegetation along all four boundaries of the site. From within the site, there are views of some properties within Oughton Close, Bowlers End, and Westbury Close. The proposed development would reinforce planting along the boundaries of the site through the addition of trees, shrubs, and other soft landscaping.
- 4.3.37 The development would be separated from properties along Lower Innings and Westbury Close by a landscaped buffer. This buffer would create a significant gap between the proposed dwellings to the north of the site and existing properties to the north. The front elevation of Plot 23 would be set approximately 15.5m from the side elevation of No. 32 Westbury Close. The side elevation of Plot 22 would be approximately 24m from the rear of No. 14 Lower Innings. Furthermore, the development and the existing properties to the north are separated by Oughtonhead Lane which features mature vegetation that would be retained as part of the development.
- 4.3.38 To the southeast corner of the site is Bowlers End. The rear elevations of Plots 39 to 43 of the proposed development would be set approximately 27m from the side elevation of the closest property on Bowlers End. Furthermore, the development would include the planting of trees and hedges along the southern boundary of the site. It is considered that this planting would mitigate any potential impact upon neighbouring amenity.
- 4.3.39 To the west of the application site is Oughton Close. Oughton Close contains single storey static caravan properties that sit close to the party boundary with the application site. Plots 24, 25, 32, 33, and 43 would be sited to the east side of the site. These five plots would feature first floor fenestration in the direction of properties within Oughton Close. These windows would serve bedrooms or en-suites. There would be a minimum of 9m between the elevations of the five plots and existing elevations of plots within Oughton Close.
- 4.3.40 Whilst there would be some impact upon the amenities of occupiers of neighbouring properties on Oughton Close compared to the existing situation, given the siting of the five plots to the west of Oughton Close and the landscaped buffer to the party boundary, it is considered that the proposed development would not result in any unacceptable harm to warrant a refusal of the application. Moreover, appropriate landscaping conditions could mitigate impact upon privacy.

- 4.3.41 Neighbouring concerns relating to the proposed development have been taken into consideration. Some concerns relate to traffic generated by both the construction of the site and long-term occupation of the site. The construction period of the site would be temporary.
- 4.3.42 Concerns relating to the access to the site from Lower Innings have been noted however, details of the access from Lower Innings have been previously approved.
- 4.3.43 Whilst the development would increase traffic along Lower Innings and the wider area, it is considered that the proposal has been appropriately designed to mitigate harm to neighbouring amenity.
- 4.3.44 Concerns have also been raised relating to noise and air pollution arising from the development. The environmental impacts of the development have been considered by Environmental Health and are considered later in this report.
- 4.3.45 In conclusion on this matter, the proposed development would not result in an unacceptable impact to the amenities of nearby neighbouring occupiers and would be in compliance with both local and national planning policies.

Impact on Highways:

- 4.3.46 The Highways Authority have been consulted on the proposed development and have raised no objection subject to the inclusion of conditions and informatives.
- 4.3.47 Furthermore, the proposed access to the site from Lower Innings has been previously granted planning permission under reference number 23/00555/FP.
- 4.3.48 The Highways Authority have determined that the proposed development and the 30 vehicle movements at peak times would have a minimal impact on the surrounding highway network.
- 4.3.49 Paragraph 115 states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe'*. The NPPF therefore sets a high bar for refusal on highways grounds. Notwithstanding concerns relating to the development from neighbouring occupiers, given that the Highways Authority have no objection to the proposal, it is considered that the development would not have an unacceptable impact on the highways network and is in compliance with both local and national planning policies.

Parking Provision:

- 4.3.50 NHLP Policy T2 on Parking requires proposals to be in accordance with the minimum standards set out in Appendix 4 of the Local Plan. This requires that x1 space is required per 1 bedroom dwelling and that x2 spaces are required for any dwellings of 2 bedrooms or more. In addition, between 0.25 and 0.75 visitors parking spaces are required per dwelling, with 'the higher standard being applied where there are no garages in scheme and the lower standards applied where every dwelling in the scheme is to be provided with a garage'.
- 4.3.51 Given the housing mix proposed, the development would be required to provide 86 private spaces for dwellings and between 10 to 32 visitor parking spaces. The proposed development would provide all properties with at least two private car parking spaces. Furthermore, there would be 14 visitor car parking spaces.

- 4.3.52 A large number of properties within the site would benefit from access to a garage. 21 properties within the site would not benefit from a garage. Given that nearly half of properties would not benefit from garages and the sufficient number of off-street car parking spaces being provided to properties within the site, the number of visitor car parking spaces being provided is within the 0.25-0.75 per unit range.
- 4.3.53 In conclusion on this matter, the proposed development would comply with local car parking standards and relevant planning policy.

Flood Risk and Drainage:

- 4.3.54 NHLP Policy NE7 on Reducing Flood Risk sets out that a Flood Risk Assessment (FRA) is prepared to support applications for planning permission in accordance with national guidelines, and that development takes account of reducing flood risk, does not increase flood risk elsewhere, minimise residual flood risk, sensitively designed flood prevention and mitigation where applicable, and protection of overland flow routes and functional floodplain. The application is accompanied by a Flood Risk Assessment and Drainage layout plan.
- 4.3.55 The application site is located in Flood Zone 1, the zone with the lowest risk from flooding.
- 4.3.56 The Lead Local Flood Authority have raised not objection to the proposed development subject to the inclusion of conditions. Furthermore, Thames Water, Affinity Water, and Anglian Water have raised no objections to the proposed development.
- 4.3.57 The proposed development is considered to be in accordance with the NPPF and NHLP Policy NE7.

Landscaping, and Greenspace:

- 4.3.58 The existing site contains predominately scrub and boundary hedgerows along with occasional trees.
- 4.3.59 The proposed development has been designed to retain much of the existing boundary vegetation. Gaps in the existing vegetation along the party boundaries of the site would be filled-in with native trees and shrub species. The proposal would also manage the existing boundaries through the removal of ivy to enable natural regeneration and to offer additional biodiversity.
- 4.3.60 The proposed development would also include the provision of a play area to the north of the site which would be accessible to all future occupiers within the development and could be accessed by occupiers of existing neighbouring properties in the area.
- 4.3.61 The site would also incorporate a circular path around the edge of the site. This path would link at various points along Oughtonhead Lane.
- 4.3.62 A maintenance plan will be required by condition should the application be approved.

Biodiversity and Ecology:

- 4.3.63 Policy NE4 of the Local Plan sets out that planning permission will only be granted for development proposals that appropriately protect, enhance, and manage biodiversity. The policy also sets out that all development should deliver measurable net gains in biodiversity and geodiversity, contribute to ecological networks and the water environment.

- 4.3.64 The development would result in the loss of shrub and grassland within the site through its development. However, much of the existing boundary vegetation is proposed to be retained and improved through additional planting and maintenance.
- 4.3.65 A Biodiversity Net Gain Assessment document has been submitted to support the proposed development. The document states that the development would deliver a net gain in biodiversity on site. There would be a gain of 6.91% for area base habitats and a 57.04% gain for linear habitats. The document also sets out that there would be a deficit of 5.75 units of medium distinctiveness habitats.
- 4.3.66 The proposed development would avoid impacts on habitats and would retain what are considered to be important habitats within the site through the retention of boundary hedgerows. Furthermore, no irreplaceable habitats are being lost as part of the development.
- 4.3.67 As per the submitted Ecological Impact Assessment document, the development would also incorporate a large number and range of bird and bat boxes or bricks. This can be secured by condition.
- 4.3.68 It is considered that there would be a significant gain in the overall biodiversity of the site given the retention and enhancing of landscaping within the application site. Subject to the inclusion of appropriate landscape management and maintenance conditions, the proposal is considered to be in compliance with both local and national planning policies.

Environmental Health Considerations:

- 4.3.69 Environmental Health have been consulted in relation to the proposed developments impact on noise, air quality, and land contamination. No objections have been raised to the developments impact subject to the inclusion of appropriate conditions and informatives.

Sustainability and Climate Change:

- 4.3.70 Section 14 of the NPPF sets out that the planning system should support the transition to a low carbon future. This principle is echoed in Policy D1 of the Local Plan that encourages all reasonable opportunities to reduce energy consumption and waste.
- 4.3.71 The development would be constructed to high standards designed to reduce heat loss through the fabric of the building and thus reducing the amount of energy required to heat homes.
- 4.3.72 Electric vehicle charging points would be incorporated throughout the development as required by Building Control standards.
- 4.3.73 The application has been submitted alongside an Energy Strategy Statement. Within this statement, it is confirmed that all 43 dwellings will benefit from the provision of Air Source Heat Pumps that would reduce the requirement for heating provided by fossil fuel sources.
- 4.3.74 Furthermore, following negotiations with the applicant, the Council have secured solar panels to all but two properties. The two properties on which solar panels are not proposed would not fully benefit from a roof that would face in an appropriate direction in relation to the path of the sun throughout the day. Overall, the solar panels proposed would contribute to a reduction in carbon emission from the site over the lifetime of the development.

4.3.75 Given the above, it is considered that the development would successfully incorporate carbon reducing technologies that would provide future occupiers with a sustainable means of powering and heating their homes. The proposal would be in compliance with both local and national planning policies.

Planning Obligations:

4.3.76 In considering planning obligations in relation to this development NPPF para. 57 advises that: 'Planning obligations should only be sought where they meet all of the following tests:

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

4.3.77 NHLP Policy SP7 sets out infrastructure requirements and developer contributions that are 'necessary in order to accommodate additional demands resulting from the development'. This policy reflects the NPPF principles set out above. It also cites the recently adopted Development Contributions SPD adopted by the Council and the update to Development Contributions adopted by the County Council.

4.3.78 The proposed development would provide 17 affordable dwellings, which is a policy compliant 40% contribution made up of 11 affordable rent and 6 shared ownership properties. This mix meets the requirements set out by the Housing Supply Officer.

4.3.79 The development would include contributions to Hertfordshire County Council for the provision of primary, secondary, and SEND education. Contributions would also go towards the library service, youth service, Letchworth Recycling Centre, Waste Service Transfer Station, and HCC monitoring fees.

4.3.80 Details of the agreed planning obligations shall be provided at the time of the Planning Control Committee Meeting.

4.3.81 All the elements of these obligations are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In the light of the evidence, all the elements of the obligation meet the policy in paragraph 256 of the NPPF and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Policy HT3 Requirements:

4.3.82 Policy HT3 of the Local Plan sets out specific policy criteria for this allocated site. The site-specific criteria is as follows:

- Access from Westbury Close or Long Innings whilst maintaining the general integrity and character of Oughtonhead Lane (Restricted Byway Hitchin 003);
- Consider and mitigate against potential adverse cumulative impacts of sites in this area on Oughtonhead Lane SSS

- Retain and reinforce planting along western and southern boundaries to ensure integrity of revised Green Belt boundary;
- Sensitive design to minimise impacts upon landscapes to the west, including longer views from the Chilterns AONB.

4.3.83 Following consultation with the relevant consultees and in consideration of the scheme submitted, the proposed development would comply with the site specific criteria set out within Policy HT3 of the Local Plan.

4.4 **Conclusion**

4.4.1 The application site is designated for residential development under Policy HT3 of the North Hertfordshire Local Plan. The development of the site would provide 43 new dwellings, 17 of which would be affordable homes. The proposal would therefore make a positive contribution to the delivery of homes within the district for the rest of the Local Plan period.

4.4.2 The site is not situated within the Green Belt and its not close to any Listed Building or Conservation Areas. The site would not result in any unacceptable harm to the setting of the Chilterns AONB.

4.4.3 No objections are raised to the design or layout of the development, or the developments impact on neighbouring amenity. Furthermore, the development would provide an acceptable standard of living for future occupiers of the site.

4.4.4 The Highways Authority have raised no objection to the proposed development. Furthermore, the access to the site from Lower Innings benefits from extant planning permission.

4.4.5 The application is accompanied with a set of planning obligations which are necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind.

4.4.6 In conclusion, the proposed development for 43 dwellings is considered to comply with the relevant planning policies set out within the North Hertfordshire Local Plan 2011-2031 and the National Planning Policy Framework 2023.

5.0 **Alternative Options**

5.1 None applicable

6.0 **Pre-Commencement Conditions**

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

7.0 **Legal Implications**

7.1 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.

8.0 **Recommendation**

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

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

B) Conditions and Informatives as set out in this report.

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

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

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

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

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

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

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

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

5. Prior to commencement full details of soft and hard landscaping will be submitted to and approved in writing by the Local Planning Authority. Details will include:

Soft Landscape:

a) Details of trees, hedgerows, habitats, ponds and other natural features it is proposed to retain or remove and details of how they will be protected during the construction phase. Such details to include tree protection measures in accordance with BS5837:2012.

- b) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants;
- c) 1:100 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of each development phase;
- d) The landscape treatment of roads;
- e) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.), tree pit details and details of the species, number and spacing of trees and shrubs;
- f) The planting and establishment of structural landscape to be provided in advance of all or specified parts of the site as appropriate;
- g) Full details of any proposed alterations to existing watercourses/drainage channels and details of any water features;

Hard Landscape

- h) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns/brackets;
- i) 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways;
- j) Details of all hard surfacing materials (size, type and colour).

No subsequent alterations to the approved landscape details are to take place unless submitted to and approved in writing by the Local Planning Authority. The landscape within each Development Phase shall be implemented in accordance with the approved landscape details for that Development Parcel or Strategic Engineering and Landscape Element.

Reason: In the interests of the amenity of residents and to ensure that a detailed approach to the development of the built-up area (or parcels thereof) is agreed, in order to safeguard the setting of the site and its surroundings, and to ensure a suitable relationship and integration of the built development with its surroundings

6. The development hereby approved shall incorporate at least 10 integral bat boxes, 10 swift bricks, 10 open fronted bird boxes, and 10 hole fronted boxes. Once installed, the boxes and bricks 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.

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

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

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

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

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

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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

8. No 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 associated highway works concerning the connectivity of the access road with Lower Innings, as shown in the Transport Statement. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before commencement of work of the development.

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

9. Prior to the first occupation/use of the development hereby permitted the vehicular access shall be installed in accordance with the approved detailed technical plans and thereafter retained and maintained at all times at the position shown. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

10. Prior to the first occupation/use of the development hereby permitted, a detailed audit of the local cycle and pedestrian network including PRow in proximity to the site shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. This is to identify a scheme where potential improvements could be made and implemented to the walking, cycling, PRow connectivity or public transport network and funded by the applicant. The approved scheme shall be implemented prior occupation of any dwellings on site

unless otherwise agreed in writing by the LPA.

Reason: In the interests of highway safety and to ensure vulnerable users have access to safer improved sustainable facilities that encourage active travel.

11. Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.
- the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- the hours of operation and construction vehicle movements.
- details of any highway works necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings and how visibility splays will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- the provision for addressing any abnormal wear and tear to the highway.
- waste management proposals.
- Provision of sufficient on-site parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- 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 and remaining road width for vehicle movements.

Reason: To minimise the impact of the construction process on the on local environment and local highway network in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

12. The gradient of the vehicular access shall be level with the public highway (or not exceed 1:20) including internal footways.

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

13. Prior to the occupation/use of the development hereby permitted, the details of the siting, type and specification of EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained.

Reason: To ensure construction of a satisfactory development and to promote

sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

14. Full details of a construction phasing and environmental management programme for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works or development (including any pre-construction or enabling works). The construction project shall thereafter be carried out in complete accordance with the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority. The phasing programme shall include the following elements:

- i) hours of construction operations including times of deliveries and removal of waste;
- ii) measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- iii) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- iv) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- v) screening and hoarding details, to protect neighbouring residents;
- vi) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- vii) wheel washing facilities for construction vehicles leaving the site;
- viii) storage and removal of building waste for disposal or recycling;

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

15. Prior to development a detailed travel plan shall be in place with reference to the Travel Plan Guidance' at www.hertsdirect.org .

- The content of the travel plan shall be fully assessed prior to its approval in conjunction with local authority officers.
- The agreed targets and objectives included in the travel plan are secured for implementation by mutual agreement of the local authority and the developer/applicant (normally by means of a Section 106 agreement).
- The outputs of the travel plan (typically trip levels and mode split) are annually monitored against the agreed targets and objectives.
- Should the travel plan not deliver the anticipated outputs or meet the targets and objectives further mitigation/alternative/compensation measures need to be identified and implemented.
- A named co-ordinator is required for success of the travel plan.
- The Travel Plan should include the following:
 - Agreed mechanisms for discouraging high emission vehicle use and
 - Encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies
 - Improved pedestrian links to public transport stops
 - Provision of new bus stops infrastructure including shelters, raised kerbing, information displays

- Provision of subsidised or free access to public transport
- Site layout to include improved pedestrian pathways to encourage walking
- Improved convenient and segregated cycle paths to link to any existing local cycle network

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

16. Prior to occupation, the 43 dwellings within the proposed new development shall each incorporate an Electric Vehicle (EV) ready domestic charging point, located either on the property, or dedicated parking spaces associated with each property. Unallocated visitor parking spaces shall be allocated EV charging on a ratio of 1 charge point per 10 spaces.

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

17. 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: To ensure the implementation of an appropriate archaeological investigation, recording, reporting and publication, and the protection and preservation of archaeological features of significance, in accordance with North Hertfordshire Local Plan Policy HE4 and Section 16 of the NPPF 2021

18. 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).

19. No development apart from enabling and associated works shall take place until details of a scheme for the provision of fire hydrants to serve the relevant phases of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The provision and installation of fire hydrants, at no cost to the County or Fire & Rescue Service.

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

20. Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

21. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation.

II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of North Herts Council.

22. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. This shall include cross and long section drawings of all proposed SuDS features. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (AEQ-210/FRA Rev E 26 July 2023) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of North Herts Council.

Proactive Statement

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

Informative/s:

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
4. Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
5. The Public Right of Way(s) should remain unobstructed by vehicles, machinery,

materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to

allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsofway/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

6. Highway to remain private: The applicant is advised that all new highway routes within the development site are likely to remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

7. A Travel Plan for the development consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote green travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development', which is subject to an overall sum of £6,000 payable before occupation of the development. This 'evaluation and support contribution' is to cover the County Council's costs of administrating and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review. Indexation of this figure will be based on the Consumer Price Index from the date planning is granted to the date the contribution is paid. The applicant's attention is drawn to Hertfordshire County Council's guidance on residential/commercial Travel Plans: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-developmentmanagement.aspx#DynamicJumpMenuManager_1_Anchor_5 Our Travel Plan team can provide further advice at travelplan@hertfordshire.gov.uk

8. Environmental Health Informative:

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.

9. Environmental Health Informative:

During the construction works 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.

10. EV CHARGING POINT SPECIFICATION INFORMATIVE:

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

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

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed determination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
 - o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
 - o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
11. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087
 12. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
 13. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
 14. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
 15. For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Both FEH 2013 and 2023 are currently accepted. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted.

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

9.0 **Appendices**

9.1 Cllr Claire Billing Objection:

"I would like to call in the planning application 23/00563/FP and also object to the proposal on the grounds that there is no suitable acceptable access to this site therefore I object to the building of the homes on Worbey's Field.

The application 23/00555/FP Creation of access from Lower Innings to Land south of Oughtonhead Lane associated with this application is poorly considered and is not appropriate for the community that lives in and around Lower Innings or for the people who regularly use Oughtonhead Lane.

The only other proposal that the developer had considered for access to the site was Oughtonhead Way and this was discounted as unsuitable due to the considerable opposition and the negative impact increased traffic has had on the neighbourhood following the completion of Bowlers End. It is inconceivable that building an access to Worbey's Field by tarmacking a section of the Restricted Byway, cutting down trees and hedgerows and also increasing traffic in a small Cul-de-Sac is in anyway and improvement on the original proposal of access via Oughtonhead Way.

Therefore, as there is no suitable access to Worbey's Field I object to the building of any dwellings."

9.2 Cllr Nigel Mason Objection:

"Just to confirm that further to previous correspondence I wish to 'call in' the above planning application (23/00563/FP - Land on the south of Oughtonhead Lane) and to object to the proposal. I have also objected to the related planning proposal 23/00555/FP

My objection is based on the fact there is quite clearly no viable safe and acceptable access route to the land in question, Worbey's Field. Having previously considered alternative access routes to this site (via Oughtonhead Way/Lavender Way/Bowlers End and via Westbury Close) and presumably recognising they were unsuitable; the applicant is now proposing access via Lower Innings.

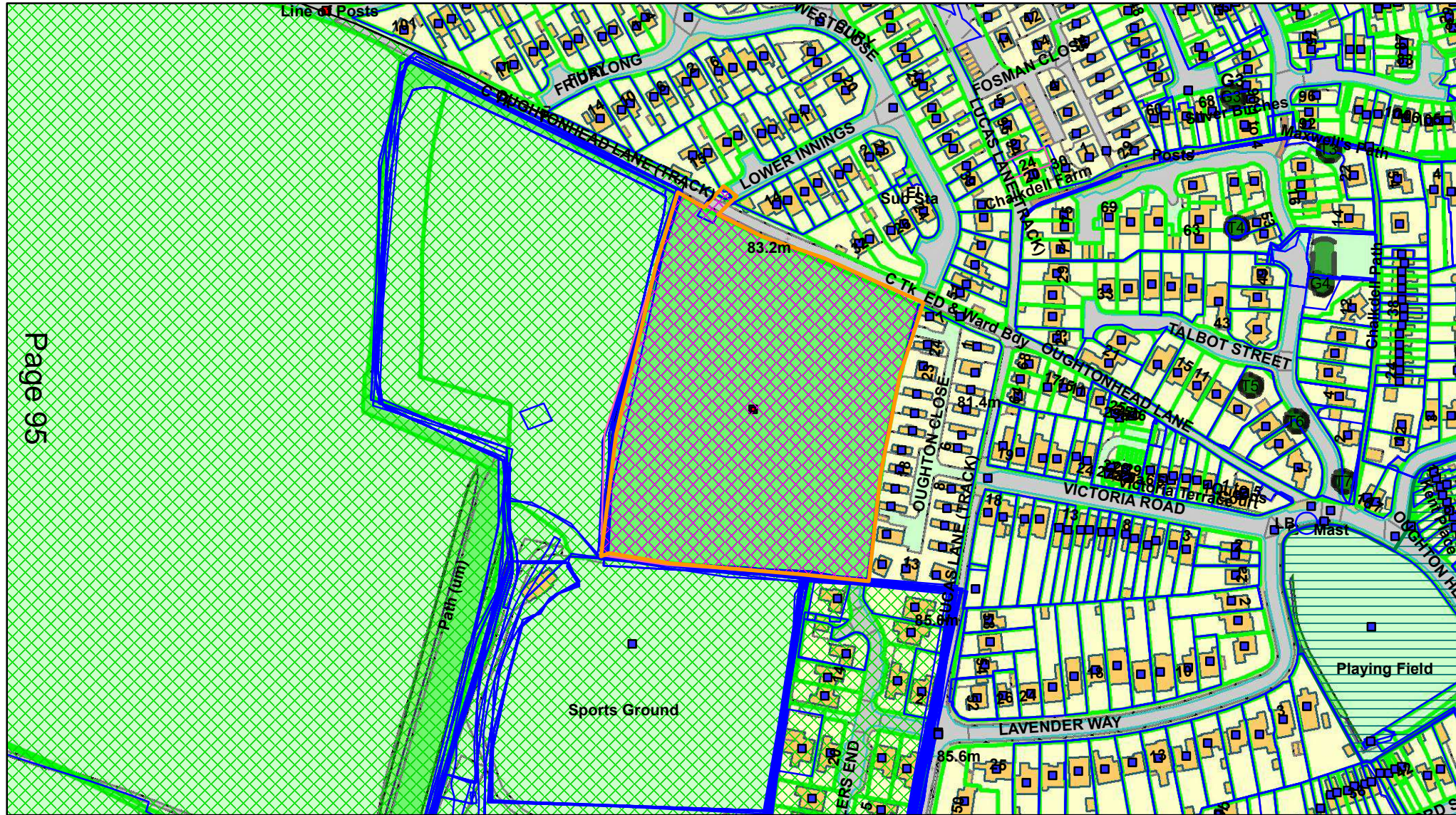
This proposal is totally unacceptable as the siting and build of Lower Innings makes it unsuitable to through traffic, it would increase the existing traffic problems on Redhill Road, and mean the vehicular crossing of the busy and popular Oughtonhead Lane restricted byway, used by walkers, cyclists, horse riders, and people with small children, and a well-used route to two Primary Schools (Oughton and Samuel Lucas) and to Oughtonhead Common Nature Reserve. This presents a clear risk to public and highway safety.

As there is clearly no safe and acceptable access route to the land in question (known as Worbey's Field) then this application should be rejected.

Furthermore, there are significant concerns about the ecological impact of the loss of this land and of the valuable wildlife corridor that the field and the adjacent lane provide. I note that the ecology impact assessment survey appears to have been conducted at the wrong time of year for grasses, making it impossible to say whether or not there are protected species that would be adversely affected by the development. Also I note there appears to have been no attempt at quantifying biodiversity net impact."

NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/00563/FP Land on The South of Oughtonhead Lane, Hitchin, Hertfordshire, SG5 2NA



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<u>Location:</u>	Land South West Of And Adjacent To Lodge Court Turnpike Lane Ickleford Hertfordshire
<u>Applicant:</u>	Foxberry Developments Ltd
<u>Proposal:</u>	Erection of eight dwellings comprising of 3 pairs of semi-detached dwellings (6 x 3-bed) and two detached 4-bed dwellings including integral garages (plots 1 and 8) with a new access spur from the Lodge Court, on-site parking, landscaping. (Amended description only).
<u>Ref. No:</u>	23/02650/FP
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period: 17.01.2024

Reason for delay

Committee timetable. An extension of time to the statutory determination date has been agreed.

Reason for referral to committee

The application has been called in to committee by Cllr Peace for the following reasons:

- Over development of the site. Planning application 18/02785/FP proposed 7 dwellings and was withdrawn when the case officer advised that the density was too high and it would have an urbanizing effect and not transition effectively from the settlement to the countryside. Application 20/00891/FP for five houses comments that the density of 11 dwellings to the hectare is a low density layout and is appropriate in this location.
- Housing size and mix contrary to planning policy SD3 of the Ickleford Neighbourhood Plan (INP).
- The recent housing needs survey undertaken for the Ickleford Neighbourhood Plan concluded that smaller, more affordable homes are needed, not four bedroom homes. A supply of new four bedroom homes is being provided at Burford Grange. INP Policy SD2 requires for 1 -3-bedroom homes.
- Inadequate safeguarding of ecology and bio-diversity. INP Policy E4 requires for a 10% net gain in bio-diversity. The application does not set out how this is to be achieved.
- Objects to the removal of the lime tree. The removal of this tree is contrary to the Council's climate change emergency.

Plan numbers

- 22163_PL28__Plot-6-7_Proposed.
- 22163_PL23 Plots 2 and 3 Proposed floor plans-Elevations.
- 22163_PL22 Plot 1 Proposed-Elevations; street elevation.
- 22163_PL21 Plot 1 Proposed floor plans.
- 22163_PL15 Context Plan.
- 22163_PL14C Proposed Landscaping Plan.
- 22163_PL03C Proposed Site Plan.

- 22163_PL02 Existing site plan.
- 22163_PL01 Location Plan.
- 22163_PL30 Plot 8 Proposed elevations; perspective view.
- 22163_PL29 Plot 8 Proposed floor plans.
- 22163_PL27 Plots 6 and 7 Proposed floor plans.
- 22163_PL26 Plots 4 and 5 Proposed elevations; street elevation.
- 22163_PL25 Plots 4 and 5 Proposed floor plans.
- 22163_PL24 Plots 2 and 3 Proposed elevations; street elevation.
- 2020-3940-TR01(2) rev C Vehicular Swept Paths Analysis using 12.1m Refuse Vehicle (with a passing 7.5T Panel Van) Sheet 2 of 2.
- 2020-3940-TR01(1) rev C Vehicular Swept Paths Analysis using 12.1m Refuse Vehicle (with a passing Large Car) Sheet 1 of 2.
- 2020-3940-001 rev C Proposed Access Arrangements.
- Additional plans – PL22A; PL24A; PL26A and PL28A showing the ridge height above finished floor level.

Supporting documents

- Ecology Report December 2023.
- Arboricultural Impact Assessment parts, 1, 2, 3 and 4.
- Environmental and Geo Technical dusk study part 1 and 2.
- Reptile Survey.
- Design and Access Statement.
- Archaeology Report.

1.0 Policies

1.1 National Planning Policy Framework December 2023:

1.2 In general and with regard to:

- Section 2 – Achieving sustainable development;
- Section 5 – Delivering a sufficient supply of homes;
- Section 6 – Building a strong, competitive economy;
- Section 11 – Making effective use of land;
- Section 12 – Achieving well-designed places;
- Section 15 – Conserving and enhancing the natural environment;
- Section 16 – Conserving and enhancing the historic environment.

1.3 North Hertfordshire District Local Plan 2011-2031

- SP1 - Sustainable development in North Hertfordshire;
- SP2 - Settlement Hierarchy;
- SP8 - Housing;
- SP9 - Design and Sustainability;
- SP10 - Healthy Communities;
- SP11 - Natural resources and sustainability;
- SP12 - Green infrastructure, biodiversity and landscape;
- SP13 - Historic Environment;
- T2 – Parking;
- HS3 - Housing mix;
- D1 - Sustainable design;
- D3 - Protecting living conditions;
- D4 - Air quality;

- NE2 – Landscape;
- NE4 – Bio-diversity and geological sites;
- NE7 - Reducing flood risk;
- NE8 - Sustainable drainage systems;
- HE4 - Archaeology.

1.4 **Supplementary Planning Document.**

- SPD – Vehicle Parking at New Developments;
- SPD – Planning Obligations.

1.5 **Ickleford Neighbour Plan**

- E2 – Protecting the landscape.
- E3 – Rural Character.
- E4 – Biodiversity.
- SD1 – Development within the settlement boundary.
- SD2 – New housing development.
- SD3 – High quality design.
- SD4 – Provision of energy efficient buildings.
- SD5 – Water Management.
- MTT2 – Car parking.

2.0 **Site History**

- 2.1 18/02785/FP - proposed 7 dwellings on the site and was withdrawn.
- 2.2 20/00891/FP proposed 5 dwellings with a new access spur road off Lodge Court with parking, landscaping, formation of a pedestrian footpath and communal open space. This application was refused at Planning Control Committee and allowed at appeal.
- 2.3 21/03464/S73 was submitted to vary conditions 2, 6, 8, 9 and 10 imposed on the appeal decision for application 20/00891/FP and was granted conditional permission.
- 2.4 22/01448/FP proposed 5 dwellings and was granted planning permission in October 2022.
- 2.5 22/03105/S73 sought to vary condition 2 imposed on application 22/01448/FP and was granted planning permission.
- 2.6 Applications to agree details for conditions imposed on planning permission 22/01448/FP have been submitted and agreed. These are:
- 23/00735/DOC for condition 6 landscaping;
 - 23/00736/DOC for condition 11 Construction Traffic Management Plan;
 - 23/00737/Doc for condition 13c archaeology; and
 - 23/00738/DOC for condition 14 ecology.

3.0 **Representations**

- 3.1 **HCC Highways** – no objection subject to conditions.
- 3.2 **NHDC Environmental Heath** – no objection subject to condition.

3.3 **Anglian Water** – no comment as this is minor application and we only comment on major applications of 10 units or more.

3.4 **Ickleford Parish Council** – objects for the following reasons:

- The site is over developed which affects bio-diversity and ecology on the site.
- There is no more need for any houses in Ickleford as there have been other development and Burford Grange is being built.
- With the expected further development of Bowmans Mill this is more than completes Ickleford's contribution to the District's new housing supply.
- The development adds nothing to the village other than more traffic problems and a lack of on site parking.
- The villages Victorian sewer network also cannot cope with any more flow. In times of heavy rain the sewers flood at either end of the village and this development will exacerbate this.
- Wildlife is back on the site despite it being cleared 4 years ago.
- The 22m high lime tree should be retained. It is an important village landmark and should be left in situ and preserved. It is important that all measures are taken to protect the ecology of the site and give the wildlife habitats the protection they deserve.

3.5 The application has been advertised with a site notice and neighbour notification letter. At the time of writing 10 response have been received which all object to the application. Key points raised include:

- No bio-diversity enhancement measures are proposed. The planning history has approved 5 swift bricks and 2 bat boxes and these need to be included.
- The original smaller development was rejected by the Council. This is a development of stealth and all previous objections apply.
- Consideration now must be given to the Ickleford Neighbourhood Plan policies. This development fails to comply with these policies.
- This development will have adverse impact on the privacy and be over shadowing to no.4 Manor Close.
- The dwelling size does not meet the requirements of the neighbourhood plan and are taller than two storeys in height
- Lack of car parking.
- The Council objected to an application for 8 houses previously being harmful to the edge of village character / location and this is harmful.
- There is no requirements to development white land in the new Local Plan and this site should not be developed.
- This development will harm wildlife.
- This land is green belt.
- There is no need for this development.
- The sewers cannot cope with any more flow.
- Will be dangerous for traffic and pedestrians.
- Ickleford is at its maximum capacity and I am in horror of the green belt being concreted over.
- The houses are too tall.
- This is the over development of the site.
- This number of new houses will have harm on the amenities of the existing neighbour in Manor Close.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application site is land on the south side of Turnpike Lane to the west of Lodge Court and Manor Close. The land is currently outside of the village boundary for Ickleford, and is part of the Green Belt. The land, formerly, was part of the grounds of Ickleford Manor house which lies to the east of Lodge Court. The neighbouring buildings, Waltham Cottage and numbers 3 – 6 Lodge Court are all listed buildings and Waltham Cottage is within the Ickleford Conservation Area. The vehicle access for Lodge Court cuts through the northern part of this site, although this is set back from the road with a belt of mature trees between the access lane and Turnpike Lane itself which are covered by a blanket TPO, which also extends along Turnpike Lane to the west. The land is fenced but is open paddock land in character.

4.2 Proposal

- 4.2.1 This is a full application for the erection of eight houses, 3 pairs of semi-detached houses and two detached 4-bed dwellings with access road, parking and landscaping.
- 4.2.2 In detail Plot 1 has a corner plot position with the access way with Lodge Court and the access into the development. It is a detached, four bedroom house with two off street parking spaces on the driveway and a single garage. At ground floor is comprises a hallway, living room, kitchen / dining room, w.c and utility. At first floor level there are four bedrooms, one with an en-suite and a family bathroom. This plot has two 'frontage' elevations, with the front door facing the development access road and a longer side elevation, with a side door, facing the Lodge Court access. It is 8.7m to the ridge from the slab level and had a rear amenity space of approximately 127 sqm with a rear garden length of just under 14m.
- 4.2.3 Pots 2 and 3 form one pair of semi-detached houses and are positioned to the south of plot 1 on the west side of the access road. These houses are 'handed' to each other and comprise of a living room, hallway, w.c and kitchen / diner at ground floor, two bedrooms, a family bathroom and a study at first floor level and master bedroom with en-suite at second floor level. These houses have two on plot parking spaces each, side by side in the frontage of the houses, a side access into the rear garden and are 8.8m to the ridge height from slab level and plot 2 has a rear garden of 78 sqm with a garden length of 12m whilst plot 3 has a slightly smaller garden area of 75 sqm and a rear garden length of 11.5m.
- 4.2.4 Plots 4 and 5 form the next pair of semi-detached houses on the west side of the access road, immediately south of plots 3. These houses have the same internal layout as plots 2 and 3, a maximum ridge height of 8.8m above slab level and two tandem style on plot parking spaces to the side of the houses. There is landscaping in front of the houses, a side access gate into the rear garden and a private amenity space of approximately 85 sqm for plot 4 and 77 sqm for plot 5. As the side boundary of the site tapers, these gardens have a shorter garden length of just under 10m but a wider garden than plots 2 and 4.
- 4.2.5 Plots 6 and 7 are the semi-detached houses positioned in to the south west corner of the site, south of plot 5. Again these houses have the same internal layout as plots 2, 3, 4 and 5 and a ridge height of 8.8m above slab level. Plot 6 has the smallest rear garden in the proposed development of 72 sqm whilst plot 7 has a larger garden of 180 sqm due to the garden extending into the south western corner of the site. Plot 6 has two tandem

spaces to the side of the house whilst plot 7 has two parking spaces in the frontage of the house.

- 4.2.6 Plot 8 is located in the south-eastern side of the site and is the same in terms as size, design and layout as the house in this part of the site approved by application 22/03105/S73. This house is the largest house proposed in terms of footprint, but it has the lowest ridge height at 7.1m above slab level. The living accommodation comprises a large hallway with living room, garage, office, utility, w.c and a kitchen / dining room at ground floor level with four large double bedrooms, two with en-suites and a family bathroom at first floor level. This plot has a rear garden of 18m wide by part 6m and part 8.8m deep giving an amenity area of 127 sqm, with two side by side on plot parking spaces and a landscaped front garden area.
- 4.2.7 The houses all share a contemporary design with light coloured brick, sections of render or wooden cladding, grey windows and roof tiles and some windows at first floor level extending into the front gable apex. The three pairs of semi-detached houses have been designed to appear as one large house. The layout plan also shows visitor parking for four cars, a landscaped area on the north-east side of the site and 18 new trees to be planted.
- 4.2.8 As listed above, several documents have been submitted in support of the application. Key points from some documents include:

Design and Access Statement:

1. The development as proposed would have a density of just 17 dwellings per hectare. The extant scheme for 5no dwellings had a density of 11 dwellings per hectare. This increased amount is still considered a low density and suitable with the sites context.
2. The previous approval under 22/03105/S73 consented a built plan area of 797m² ea. The proposed application sees a reduction to this to 726m², representing nearly a 10% reduction to the total built area on site.
3. The design follows the principles of the previously approved layouts.
4. The proposed dwellings will be 2 to 2.5 storey in height, with proposed heights to match those previously approved. Plot 8 is the exact same design and layout as the previously consented Plot 5 on application reference 2/03105/S73.
5. This revised application seeks an increase to the quantum of development, with previous approvals carrying consent for large 4–5-bedroom homes which was objected to by locals. These concerns have been heard and this application now proposes 6no 3-bedroom family homes, plus 2no 4-bedrooms properties.
6. All dwellings are provided with private vehicular parking over and above the minimum local authority requirements with a total of 22no spaces (including 2no in garages), plus 4no visitor/shared spaces located off the turning head.
7. Secure cycle storage is to be provided within garages on plots 1 and 8, and via a shed to be installed in the rear garden of the remaining homes.
8. Modern buildings must adhere to strict guidelines as set out within the Building Regulations with regard to energy performance, and ultimately sustainability.
9. Highly efficient air source heat pumps or gas boilers will be supplied to the properties with heating by radiators and underfloor heating. Draft proofing and cold bridging will be designed out through the implementation of accredited details.
10. All lighting throughout the property will be low voltage energy efficient type fittings.
11. Rainwater butts will be provided to the garden to promote sustainable water usage. Each dwelling will also be designed with water calculators to ensure that the daily design usage does not exceed 110 litres of water per person per day, in accordance with Building Regulations requirements.

Principle

- 4.3.1 Local Plan Policy SP1 seeks to ensure that existing settlements in the District are the focus for new housing and employment development. The application site, under the provisions of the Local Plan 2011 – 2031, is undesignated land within the settlement boundary of Ickleford, meaning there is no objection to the principle of residential development on this site. Furthermore, the planning history establishes this principle, with three extant planning permissions for the development of this land with houses.

Sustainability

- 4.3.2 The NPPF December 2023 version, like the versions before, sets out that the purpose of the planning system is to contribute to the achievement of sustainable development and that to achieve this the planning system has three overarching objectives. These are that development must have an economic, social and environmental objective. These core aims are reflected within the Local Plan Policies SP1 and D1. With regards to this development, the site is within the settlement boundary of the village, where the facilities of the village and local bus stops are within walking distance of the site. The build process will provide for local jobs and will contribute to the local economy and in the longer-term new residents will support the local shop and facilities. Socially friendships may form between new neighbours and residents can join in with local clubs and activities and as set out above, the new houses will have to meet the high environmental code of current building regulations with regards to insulation, double glazing, low energy light fittings, low flow water fittings, an energy efficient boiler and each house will be provided with a water butt for rainwater collection and EV parking provision. On this basis, the proposed development would be sustainable and comply with the aims of the NPPF and Policies SP1 and D1.

Layout and design

- 4.3.3 There is no objection to the proposed layout and design of the houses which is reflective of the planning history of the site. Application 22/00891/FP allowed five dwellings on the site, with a ridge height of 8m for plots 1 - 4 and a 7.8m ridge height for plot 5. Application 21/03464/S73 was granted planning permission for the use of the lofts of plots 1 - 4 for accommodation and for the ridge height to be increased to 8.2m to allow for this. Application 22/01448/FP granted permission for five detached houses. Plots 1 - 4 each having a ridge height of 8.2m and plot 5 a ridge height of 7.1m. Application 22/03105/S73 also granted permission for five detached houses with a change in the parking layout for plot 5.
- 4.3.4 This application is now proposing 8 dwellings. The house in plot 8 is the same as previously approved in applications 22/01448/FP and 22/03105/S73 in terms of siting, layout and external design although in those applications it was labelled as plot 5. This dwelling therefore already benefits from planning permission and there is no objection to the layout, height or design of this house.
- 4.3.5 The key change in this application compared to the planning history is the change of plots 1 – 4 to plots 1 – 7. This is achieved by utilising and re-designing the precedent set by the bulk and mass of the four approved dwellings in this location on the site. Plot 1 is still a detached four-bedroom house, although with a reduced footprint in comparison to the approved schemes. The footprint for the approved plot 4 is almost the same as the proposed footprint for plots 6 and 7 and the footprint for plots 2 / 3 and 4 / 5 are slightly smaller, although a different shape, to that approved for plots 2 and 3 under the extant schemes. Visually the pairs of semi-detached houses appear largely as a single dwellinghouse and there is no objection to the principle of the sub-division of these larger

houses into smaller ones. This scheme also allows for a better mix of proposed dwellings in terms of housing size and less built footprint overall is proposed on the site than in comparison to the current extant scheme by nearly 10%.

- 4.3.6 The layout demonstrates that sufficient parking for each house, visitor parking and amenity space can be provided for each dwelling along with the area of open space at the front of the site to protect the setting and amenity of the closest neighbours and listed buildings in Lodge Court. The houses all exceed the Nationally Described Space Standards, complying with the criteria of Policy D1 and providing a high standard of accommodation for future occupiers.
- 4.3.7 It is noted that this application is seeking to increase the ridge heights of the proposed dwelling in plot 1 by 0.5m and the dwellings in plots 2 -7 by 0.6m in comparison to the extant scheme. Given the design of the houses, with elevations visually broken up with sections of cladding and front gables, combined with the fact the site is set well back from the road with no immediate neighbours to the west side of the site rear of the proposed plots 1 -7 to be visually compared against in terms of height, and plot 8 with a ridge height of 7.1m visually steps the development down to be in alignment with neighbours on the east side, it cannot be concluded that this increase in the ridge heights would have any harm in the locality and therefore is not objected to.
- 4.3.8 It is accepted that the increase in the number of dwellings by three will have a minor increase in the intensity of the residential use of the site. However, as each dwelling has sufficient parking and amenity space and there are no objections from highways, there is no objection to this. It is noted from the planning history and third party comments that application 18/02785/FP proposed 7 dwellings and was withdrawn and does not set any precedent in favour or against the principle of the 8 dwellings now being proposed. That proposal was for 5 detached and 2 semi-detached houses set in a cul-de-sac arrangement with houses close to the neighbours in Lodge Court, with development too close to the protected trees, inadequate rear garden sizes and dwellings proposed at 8.6m and 9m in height adjacent to the neighbouring in Lodge Court and Manor Close. That development had an unacceptable layout. As set out above, it is considered that the current proposal would have an acceptable layout.
- 4.3.9 The contemporary design for the houses is supported, and along with the layout, on plot parking provision, wide access driveway and landscape open space area will result in an attractive development which can be regarded as positive place making. The development is therefore considered to be in accordance with NPPF paragraph 135 design aspirations and the aims of Policies SP9 and D1.

Heritage

- 4.3.10 Local Plan Policy HE1 seeks to protect designated heritage assets in the District. This application site is outside of, but close to, the Ickleford Conservation Area boundary which no.1 Lodge Court is within and Lodge Court itself is a listed building. The retention of the belt of TPO trees at the frontage of the site with Turnpike Lane will significantly screen the site in views from the road and from / to views with the Conservation Area. The landscaped open space in the north east side of the site is considered to act as a visual break between the houses and the approach driveway to Lodge Court itself. This, combined with the development being regarded to be acceptable development in its own right in terms of layout and design, is considered to result in there being no adverse harm on the setting of either the Conservation Area or listed Lodge Court.

Amenity

- 4.3.11 Local Plan Policy D3 seeks to protect the living conditions of existing and future occupiers. As set out above, the dwelling in plot 8 is the same as previously approved in terms in siting, height and location and whilst it is acknowledged that the closest neighbours no.4 Manor Close and no.3 Lodge Court will clearly see the house and development, the proposal is considered to represent an acceptable level of impact that would not result in an unacceptable loss of privacy or appear overbearing in outlook.
- 4.3.12 As set out above, due to the internal size of the proposed dwellings, on plot parking and amenity space the proposed houses offer a good degree of amenity for future occupiers. The proposed houses all have an acceptable relationship to each other with no direct overlooking of windows and it is not anticipated there are any adverse amenity issue from the proposal. As a result, the application is considered to comply with the aims of Local Plan Policy D3.

Parking

- 4.3.13 The Council's parking SPD 'Vehicle Parking at New developments' requires 2 car parking spaces per dwelling and 5 visitor spaces. Each house would have two on plot parking spaces. In addition, plots 1 and 8 would have a single garage and four visitor spaces are proposed. This is considered to be an acceptable provision and no objection is raised to the parking provision. It is noted that the visitor parking is technically one space short, but given that plots 1 and 8 both have three spaces (including the garage), plot 4 has enough space to have three tandem style spaces and plot 7 has space to allow two further cars to park rear of its own parking spaces, no objection is raised to this under provision for the visitors.
- 4.3.14 Plots 1 and 8 will be able to store bikes in the garage and secure cycle parking will be provided in the rear gardens for the other houses and a condition is recommended to ensure this is done. The application is therefore considered to be in accordance with the SPD and Policy T2.

Landscaping and wildlife / bio-diversity

- 4.3.15 Local Plan Policy NE2 seeks to protect landscape character and NE4 seeks to ensure that there is a net gain of bio-diversity on site. The extant permissions all allow for the loss of the mature lime tree on the immediate south side of the Lodge Court access driveway to allow for access into the site. This tree is outside of the Conservation Area and TPO protection zone, and the previous applications have all proposed replacement planting along with the other ecology measures such as bat and bird boxes, insect habitats and a 'hedgehog highways' across the site to ensure site bio-diversity is protected and enhanced. Conditions are recommended to ensure that these measures are also within this development.
- 4.3.16 The loss of the lime tree is regrettable, but the application is proposing 18 new trees, which in time will establish and provide opportunities for bio-diversity. The landscaping condition requires for the 18 new trees to be native species and semi-mature at the time of planting. Five of the new trees are within the TPO area at the front of the site and can be regarded as mitigation for the loss of the lime tree. Four are in open landscape areas and will provide for an attractive setting and screening at the front of the development and with the neighbours. Five are within the frontage and parking areas of the development and will allow for a landscape setting to the development and four are within back gardens. The development is therefore considered to be in accordance with the aims of Policies N2 and NE4.
- Ickleford Neighbourhood Plan

- 4.3.17 The Ickleford Neighbourhood Plan (INP) is in progression, as the public consultation on it has been undertaken. However, it is yet to be independently examined or accepted and is not yet a fully 'made' plan. Therefore, whilst the emerging policies in the INP are a consideration, only limited weight should be given to them in the assessment of this application.
- 4.3.18 This application is considered to be in accordance with the aims of emerging Neighbourhood Plan Policies E3 (Rural Character); SD1 (Development within the Settlement Boundary); SD3 (high Quality Design); SD4 (Provision of Energy Efficient Buildings); SD5 (Water Management) and MTT2 (Car Parking).
- 4.3.19 It is noted that the application does not fully comply with the aims of Policies E2 (Protecting the Landscape) as these policies seeks to protect / retain mature trees and the lime tree is being felled. Policy E4 (Bio-diversity) seeks a 10% net gain in bio-diversity and Policy SD2 (New Housing Developments) requires for housing schemes delivering between 3 – 10 dwellings to have 33% 1-2 bedroom and 33% 3 bedroom homes.
- 4.3.20 The felling of the lime tree and the compensation for this is discussed above and no objection is lodged against the application for this reason. Currently there is no national or local plan policy requiring a 10% net gain of bio-diversity, although nationally this is coming in for minor applications registered from April this year. However, as discussed above, the development will include measures for bio-diversity secured by condition and with the exception of the lime tree no other trees are to be felled.
- 4.3.21 Regarding the desire of the INP to achieve 33% of 1 and 2 bedroom dwellings on developments, this revised application of 4 x 3-bed house and 2 x 4-bed houses is a better mix than the previously approved schemes of 5 x 4/5 bedroom houses. Therefore, there are no objections to the development on the basis that a better mix is now being proposed than before and the policies in the INP can only be given limited weight.

Other Matters

- 4.3.22 There is space in each garden for refuse bins to be stored, with side garden access so the bins will not be stored in the frontages of the houses. A condition is recommended to ensure that bin enclosures are provided.
- 4.3.23 The same conditions that were imposed on planning application 22/01448/FP are being re-recommended with the exception of the archaeology condition which, under application ref number 23/00737/DOC concluded that no further archaeological works are required. Despite ecology and landscaping also having details previously agreed, they are being imposed again due to the change in the development proposed.

4.4 Conclusion

- 4.4.1 No objection is raised to the application which is considered to comply with the aims of Local Plan Policies SP1, SP9, D1, D3, NE2, NE4 and T2. The application is therefore recommended for conditional permission.

4.5 Alternative Options

- 4.5.1 None applicable

4.6 Pre-Commencement Conditions

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

5.0 **Legal Implications**

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

6.0 **Recommendation**

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

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

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

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

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

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

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. Details and/or samples of all hard surfacing materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

5. 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.

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

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

7. Before any development commences on site landscape details are to be submitted to and approved in writing by the LPA. The details must be implemented on site in the first planting season following the substantial completion of the development hereby permitted. The details shall include:

a) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting. The 18 new trees are to be semi-mature and native species;

b) the location and type of any new walls, fences or other means of enclosure;

c) 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.

8. No gate(s) shall be erected across the access to the site for the life of the development without prior written consent from the Council first being obtained.

Reason: In the interests of highway safety so that vehicles are not forced to wait in the carriageway while the gates are being opened or closed.

9. Prior to the first occupation of the development hereby permitted all internal vehicular access roads (5.5m wide), footways and parking areas shall be provided and thereafter retained at the position as shown on the drawing number PL03 Rev C. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

10. Prior to the first occupation of the development hereby permitted the proposed pedestrian crossing with tactile provision onto Turnpike Lane, as shown on the drawing number P03 Rev C and 2020-3940-TR01(2) Rev C, shall be provided. These works shall be constructed to the specification and satisfaction of the Highway Authority in consultation with the Local Planning Authority and shall be secured and undertaken as part of the S278 works.

Reason: To ensure satisfactory pedestrian access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Prior to the first occupation of the development hereby permitted visibility splays 2.4 metres x 43 metres shall be provided to each side of the access where it meets the highway as shown on drawing number 2020-3940-TR01(2) Rev C and such splays shall always be maintained free from any obstruction between 600mm and 2.0 metres 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).

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

- 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).

13. Prior to the first occupation of the development hereby permitted, each dwelling shall have installed one electric vehicle charging point that is ready for use by the occupier, which shall be maintained and retained for the life of the development.

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

14. Prior to the first occupation of the development hereby permitted, secure cycle storage is to be provided in the rear gardens of plots 2, 3, 4, 5, 6 and 7.

Reason: To comply with the requirements of the Vehicle Parking SPD.

15. Prior to the first occupation of the development hereby permitted, bin stores are to be provided in the side / rear garden of all the houses. The details of the bin stores are to

be submitted and agreed in writing with the LPA and only the approved details are to be installed on site.

Reason: To prevent bins from being stored in the frontage of the houses in accordance with LP Policies D1 and D3.

16. Prior to the commencement of development the details of an ecology scheme are to be submitted to and approved in writing by the LPA and the agreed measures are to be implemented on site prior to the first occupation. The measures are to include:

- the provision of bird bricks / boxes;
- the provision of bat tubes / boxes;
- insect and bee bricks / habitats;
- the creation of a 'hedgehog highway' across the site;
- LED down lights not focused at any trees

Reason: To protect bio-diversity on the site in accordance with LP Policy NE4.

17. Prior to the first occupation of the development hereby permitted, surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the LPA. Before any details are submitted to the LPA an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the LPA. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and,
- iii. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent surface water flooding. LP Policy NE8.

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

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

19. In the event that contamination not identified in the ground investigations to date is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that

demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

Proactive Statement:

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

Informative/s:

1. HIGHWAYS INFORMATIVES:

1. 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 authorized 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-andpavements/business-and-developer-information/developmentmanagement/highways-development-management.aspx> or by telephoning 0300 1234047.

2. 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-andpavements/business-and-developer-information/business-licences/businesslicences.aspx> or by telephoning 0300 1234047.

3. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/business-and-developer-information/developmentmanagement/highways-development->

management.aspx

4. 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.

2. ENVIRONMENTAL HEALTH INFORMATIVES:

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

2. 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.

3. 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)

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

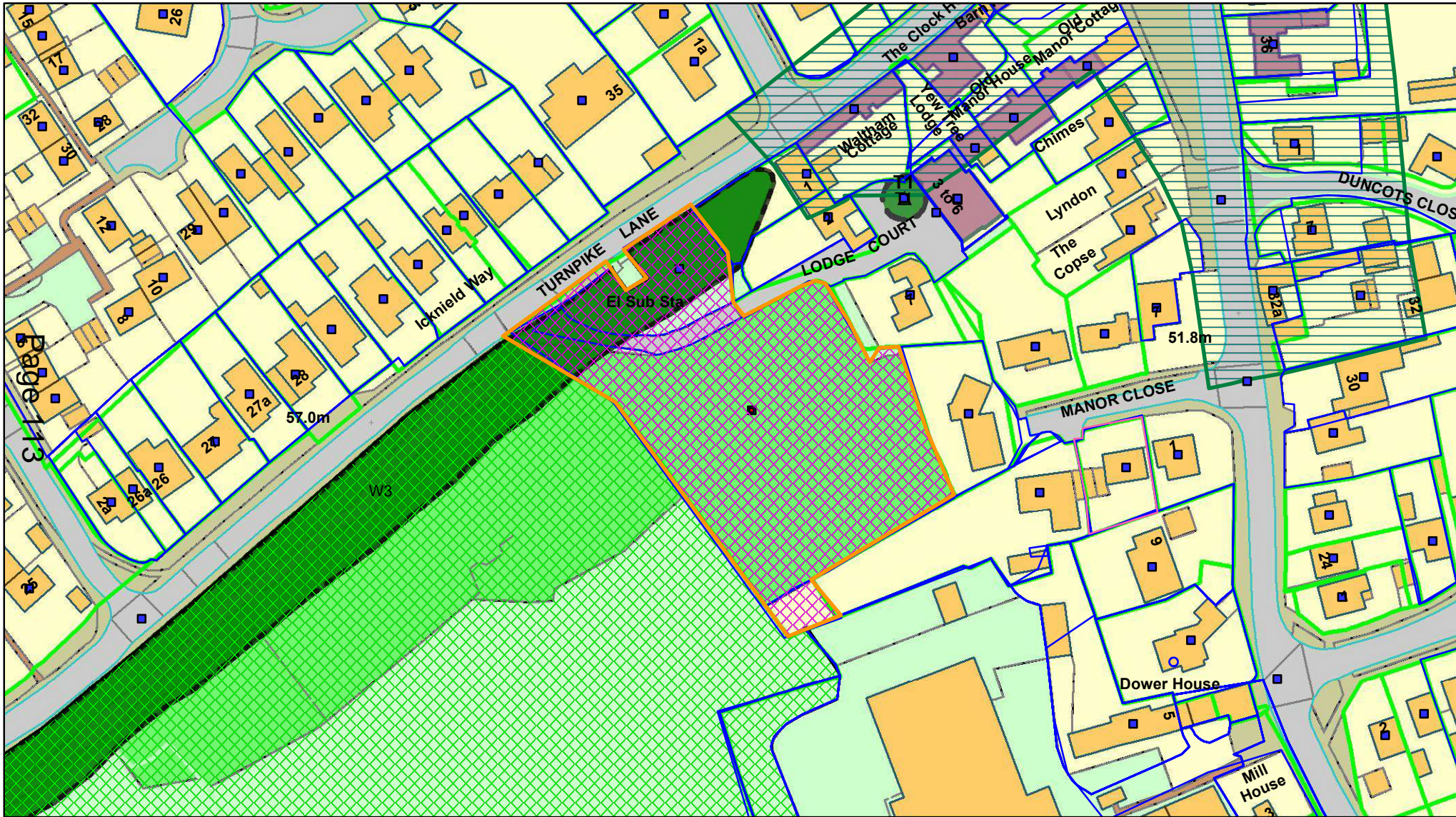
- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective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

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

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

NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/02650/FP Land South West of and Adjacent to Lodge Court, Turnpike Lane, Ickleford, Hertfordshire



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<u>General</u>	
<u>Location:</u>	Land Rear Of 33 High Street Graveley Hertfordshire SG4 7LA
<u>Applicant:</u>	Mr Joshi
<u>Proposal:</u>	Erection of four detached 4-bed dwellings, including parking, landscaping and creation of vehicular access off Turf Lane (as amended by plans received 21/08/2023).
<u>Ref. No:</u>	23/01392/FP
<u>Officer:</u>	Ben Glover

Date of expiry of statutory period: 16 August 2023

Extension of statutory period: 16 February 2023

Reason for Delay: Negotiations of amendments to the proposed development and in order to present the application to an available committee meeting

Reason for Referral to Committee: The application has been called in by Cllr Dominic Griffiths if minded to approve for the following reason:

"I would like to call this in. In terms of reasons, having visited the location I found that the path/track into where the dwellings would be to wholly unsuitable and in need of substantial widening (almost impossible due to the houses on either side) in order to even get lorries in to build the houses."

1.0 **Site History**

1.1 No planning history.

2.0 **Policies**

2.1 **National Planning Policy Framework (2023)**

Section 2 – Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 – Making well-designed places

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

2.2 North Hertfordshire Draft Local Plan 2011-2031

SP1 – Sustainable development in North Herts
SP2 – Settlement Hierarchy and Spatial Distribution
SP6 – Sustainable transport
SP9 – Design and Sustainability
SP11 – Natural resources and sustainability
SP12 – Green infrastructure, landscape and biodiversity
SP13 – Historic Environment
D1 – Sustainable Design
D3 – Protecting Living Conditions
T1 – Assessment of transport matters
T2 – Parking
NE2 – Landscape
NE4 – Biodiversity and geological sites
HE1 – Designated Heritage Assets

2.3 Supplementary Planning Document

Vehicle Parking at New Development SPD (2011)

3.0 Representations

3.1 Site Notice:

Start Date: 29/06/2023

Expiry Date: 22/07/2023

3.2 Press Notice:

Start Date: 29/06/2023

Expiry Date: 22/07/2023

3.3 Neighbouring Notifications:

15 representations have been received of which 13 are objections and 2 are neutral. A petition to the proposed development has been received containing 20 signatures. The comments are summarised below and can be viewed in full on the NHC website:

Objections:

- Site is outside the village core and not offered as a potential site within the Local Plan.
- The access and egress at the site would be dangerous to cyclists, horse riders, and pedestrians emerging from the bridleway adjacent to the site.
- Access from Oak Lane onto Turf Lane is on a blind bend.
- The proximity of the new houses would harm neighbouring amenity through overlooking, loss of light, and loss of privacy.
- Overcrowding within the village.
- No need for more large homes.
- Traffic concerns.
- Loss of wildlife and habitat on the site.
- Trees have already been felled on site.
- Not enough infrastructure in the village to meet needs.
- Overdevelopment of the area and Graveley.
- Inconvenience and psychological impacts of the development works.
- Noise disruption from the development.

- No dedicated passing point.

Neutral:

- Request conditions to ensure use of swift and bat boxes.

3.4 **Parish Council / Statutory Consultees:**

Ecology – No objection subject to conditions.

Graveley Parish Council – Objection.

Environmental Health (Air Quality) – No objection subject to conditions and informatives.

Environmental Health (Noise) – No objection subject to informatives.

Environmental Health (Contaminated Land) – No objection subject to condition.

Waste and Recycling – No objection.

HCC Highways – No objection subject to conditions and informatives.

Archaeology – No objection subject to conditions.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is located to the rear of No. 33 High Street, Graveley within an area of land that formed part of the rear garden to that property but is currently separate from the residential garden in use by No. 33. The land in question is overgrown and unmanaged. The site is also bound by mature vegetation.
- 4.1.2 No. 33 High Street, also known as Fife House, is a Grade II Listed Building situated within the Graveley Conservation Area. The application site is situated to the west of No. 33 and is outside the Conservation Area.
- 4.1.3 The application site falls within the Graveley village boundary and is not within the Green Belt.
- 4.1.4 The site backs on to properties along Oak Lane and Turf Lane. These properties are a mixture of single storey terraced bungalows and two storey terraced dwellings.
- 4.1.5 To the west of the application site is the village edge and agricultural land. A bridleway runs along the western boundary of the application site linking Turn Lane to Graveley Lane.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the erection of four detached 4-bed dwellings. The proposal includes parking, landscaping, and the creation of a vehicular access off Turn Lane.
- 4.2.2 The development would also include the provision of garden offices and cycle storage to Plots 1 and 2. Each plot would be constructed with an air source heat pump and bin storage. Each plot would also feature three off-street car parking spaces and private garden space.
- 4.3.3 Amended plans have been submitted with the following changes made to the scheme:
- Alterations to the site access to address Highways concerns.
 - Addition of air source heat pump to each dwelling proposed.
 - The hiping of the roof form to both Plots 3 & 4, replacing the originally proposed gable roof form.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- The principle of residential development in this location.
- The design and appearance of the proposed development and its impact on the locality.
- The standard of amenity for future occupiers of the proposed development.
- The impact of the proposed development upon nearby neighbouring occupiers.
- The impact of the development upon parking and highways safety.
- The sustainability of the proposed development.
- Impact of the development upon Ecology and Biodiversity.
- Other considerations including landscaping and climate change.

Principle of Development:

- 4.3.2 The application site lies within the village boundary of Graveley. Local Plan Policy SP2 supports new development within the defined settlement boundaries of Category A villages. Graveley is identified as a Category A village within Policy SP2.
- 4.3.3 The application site is therefore considered to be within a sustainable location and the principle of residential development is considered acceptable as per Policy SP2 of the Local Plan.

Impact on Designated Heritage Assets:

- 4.3.4 The application site is situated outside of the Graveley Conservation Area, which runs along the eastern boundary of the site. The application site is also neighboured to the east by Fife House, a Grade II Listed Building, situated approximately 50m from the shared boundary. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 stipulates that in 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.
- 4.3.5 Paragraph 201 of the National Planning Policy Framework (NPPF) sets out that Local Planning Authorities should identify and assess the particular significance of any heritage

asset that may be affected by a proposal, including by development affecting the setting of a heritage asset.

- 4.3.6 Paragraph 203 c) of the NPPF states *“In determining applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness”*
- 4.3.7 Local Plan Policy SP13 indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight shall be given to the asset’s conservation and the management of its setting. This reflects Paragraph 205 of the NPPF which states *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*
- 4.3.8 Paragraph 206 of the NPPF states *“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.”*
- 4.3.9 Local Plan Policy HE1 seeks to weigh the public benefits of a proposal against the harm and this reflects paragraph 208 of the NPPF which states, *“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.”*
- 4.3.10 As above, the application site is not within a Conservation Area. However, it is within the setting of the Graveley Conservation Area and Grade II listed Fife House.
- 4.3.11 The application site is a large plot approximately 92m wide. To the south of the site are groups of residential properties along Turf Land and Oak Lane. These neighbouring properties are not within the Graveley Conservation Area. The visibility of the site from Graveley High Street is very limited given high wall boundary treatments, mature vegetation, and existing residential properties. The application site is beyond the rear garden to the Grade II listed Fife House. Fife House is within the village and its context is that of residential development around it. Therefore, the proposed residential development would not fundamentally alter the residential setting of the listed building. Nevertheless, this is former garden land to the listed building and is understood to be in the same ownership currently. The application site is overgrown, no longer used as garden in association with the listed building and is some distance from the building. Therefore, the effect of the proposal is limited. However, there would be some, limited, impact upon the heritage significance of the listed building through the loss of part of its former garden it would towards at the bottom of the spectrum of less than substantial harm. Therefore, the proposal falls to be assessed against Local Plan Policy HE1 and paragraph 208, which require this very low level of harm to be assessed against the public benefits of the proposal.
- 4.3.12 In conclusion on this matter, the application site is considered to have a limited visual relationship with the Conservation Area and Fife House. The impact the proposed development would have upon the setting of both the Conservation Area and Listed Building is considered to be limited but would result in less than substantial harm to heritage significance of the Grade II listed Fife House. Therefore, the public benefits of the proposed development should be weighed against this limited harm as required by Local Plan Policy HE1 and NPPF paragraph 208, which will be considered later in this report when addressing planning balance.
- Design and Appearance:

- 4.3.13 The objectives of the NPPF include those seeking to secure the creation of high quality, beautiful, and sustainable buildings and places (Section 12 – Achieving well-designed places). Paragraph 131 of the NPPF states that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable communities”*.
- 4.3.14 Policy SP9 of the Local Plan sets out that good design is a key aspect of sustainable development, and that new development will be supported where it is well designed. Policy D2 of the Local Plan sets out that planning permission will be granted provided that the development proposal responds positively to the site’s local context and takes all reasonable opportunities to create or enhance public realm, reduce energy consumption and waste, and retain existing vegetation and propose appropriate new planting.
- 4.3.15 The locality consists of a mixture of single storey and two storey terraced dwellings along both Turf Lane and Oak Lane. Further to the east of the site are larger detached dwellings set in larger plots. To the north of the site is green space bound by mature vegetation. The land to the north of the application site is subject to a planning application for 26 dwellings (ref. 23/00186/FP).
- 4.3.16 The proposed development would consist of three house types. Plots 1 and 2 are a mirrored design with a gabled roof form, forward projecting gable, part render and part brick finish with aluminium windows.
- 4.3.17 Plots 3 and 4 are of the same two storey detached design. The dwelling type would feature a hipped roof form with a forward projecting hip. The development would also feature a single storey front and rear projection. The finish would be part render and part brick. Fenestration would be white aluminium frames.
- 4.3.18 Plots 1 and 2 would be the most prominent within the site given their siting to the front (west) of the plot and proximity to the site access and public highway. Plots 3 and 4 would be set much further back within the site from the access and visible from the existing road that runs along the north of properties along Turf Lane and Oak Lane.
- 4.3.19 The design, materials, and layout of the development is considered to be of an acceptable quality that would not result in any unacceptable harm and remain sympathetic to the local character of the area.

Impact on Neighbouring Amenity:

- 4.3.20 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy D3 of the Local Plan.
- 4.3.21 Policy D3 of the Local Plan sets out that planning permission will be granted for development proposal which do not cause unacceptable harm to living conditions.
- 4.3.22 The application site is neighboured to the south by No. 8 Turf Lane, a single storey end of terrace bungalow that faces to the west. The site is also neighboured to the south by Nos. 18, 20, and 22 Oak Lane. Between No. 8 Turf Lane and 22 Oak Lane is a large block of single storey garages. To the east of the site is Fife House.
- 4.3.23 Given the separation between the proposed development and Fife House, no objection is raised to the impact the development would have upon the amenities of the neighbouring occupiers.

- 4.3.24 No. 8 turf Lane and the application site are separated by an existing road that provides access to the garage block. Furthermore, No. 8 faces west and has no side facing fenestration. Plot 2 would be sited closest to No. 8 Turf Lane. The proposed dwelling would be set back from the rear elevation of the neighbouring property and also face west.
- 4.3.25 Considering the separation distance between Plot 2 and No. 8 Turn Lane along with the orientation of both properties, it is considered that the proposed development would not result in any unacceptable harm to the amenities of the neighbouring occupiers. The first-floor side facing window facing in the direction of No. 8 is shown as obscure glazed on plan. This obscure glazing can be secured by condition to safeguard the amenities of neighbouring occupiers.
- 4.3.26 Plot 4 would sit approximately 2.6m off the party boundary with Nos. 18, 20, and 22 Oak Lane. The distance between the side elevation of Plot 4 and the rear elevations of the properties along Oak Lane would be approximately 12m. The eaves height of Plot 4 would be approximately 5.1m. The roof ridge would measure approximately 8.1m in height.
- 4.3.27 The neighbouring properties to the south of Plot 4 are in close proximity to the proposed development.
- 4.3.28 However, Plots 3 and 4 would both feature hipped roof forms. This has been amended from the originally proposed gabled roof forms. It is considered that the hipped roof form would reduce impact of Plot 4 upon the outlook from three properties along Oak Lane.
- 4.3.29 Furthermore, Plot 3 is situated to the north of the three Oak Lane properties. Given the path of the sun throughout the day, it is considered that the proposed development would not result in any unacceptable harmful reduction in light entering neighbouring properties.
- 4.3.30 Plot 3 would feature a first-floor side facing window in the direction of Nos. 18, 20, and 22 Oak Lane. This window is shown as being obscure glazed. This can be secured by condition to safeguard neighbouring privacy. No side facing ground floor fenestration is proposed.
- 4.3.31 In conclusion on this matter, whilst the proposed development would appear within the outlook from the neighbouring dwellings to the south of Plot 3, the proposed development would, on balance, not result in unacceptable loss of outlook. Given the orientation there would not be an unacceptable overshadowing effect upon these neighbouring dwellings. There the proposed development would comply with both local and national planning policies that seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Standard of Amenity for Future Occupiers:

- 4.3.32 The four dwellings proposed would exceed the minimum internal space standards as set out within the Nationally Described Space Standards document. The development would therefore comply with Policy D2 e).
- 4.3.33 Furthermore, each dwelling would benefit from a large private garden. Each property would benefit from sufficient storage space and access to natural light within the habitable rooms.

- 4.3.34 The proposed development would provide an acceptable standard of living for future occupiers.

Parking and Highways:

- 4.3.35 Each of the proposed new detached dwellings would benefit from three off-street car parking spaces. The development is therefore in compliance with local car parking standards.
- 4.3.36 Following amendments to the scheme, the Highways Authority have no objection to the proposed developments impact upon the safety of local highways subject to the inclusion of conditions and informatives.

Ecology and Biodiversity:

- 4.3.37 Following consultation with Hertfordshire Ecology, no objection has been raised to the proposed development subject to the inclusion of conditions and informatives.
- 4.3.38 It is noted that the development would include some biodiversity enhancements including swift boxes. Following consultation with Ecology, the provision of swift boxes would be supported but are considered insufficient to deliver a biodiversity net gain.
- 4.3.39 The application site is classified as a small site and is therefore not currently required to deliver at least a 10% biodiversity net gain under the Environment Act 2021.
- 4.3.40 It is recommended that conditions be included that would compensate any loss to biodiversity and ecology within the site following its development.

Environmental Implications:

- 4.3.41 Section 14 of the NPPF sets out how the planning system should support the transition to a low carbon future. The principles set out in Section 14 are reflected in Policy D1 of the North Herts Local Plan, which sets out that development proposal should take all reasonable opportunities to reduce energy consumption and waste, retain existing vegetation and propose new appropriate planting, and future proof for changes in technology and lifestyle.
- 4.3.42 The proposed development, would incorporate sustainable technologies including the provision of air source heat pumps for each of the four dwellings. The development would also be provided with EV charging points as per Building Control regulations. Furthermore, given the limited scale of the development, the proposal is considered to be generally in compliance with Section 14 of the NPPF and Policy D1 of the Local Plan.

4.4 Planning Balance and Conclusion

- 4.4.1 Residential development in this location is considered acceptable in principle. The design and layout of the scheme would be acceptable and there would be no harm to the setting of the Graveley Conservation Area or the character of the area.
- 4.4.2 There would be less than substantial harm to the heritage significance of the Grade II listed Fife House, through the loss of former garden land. Therefore, the acceptability of the proposal is dependent upon providing public benefits. There would be public benefits arising from the delivery of 4 dwellings which would assist in maintaining the vitality of Graveley. There would be economic benefits arising from the construction and fitting out of the dwellings and the contribution of future occupiers to the local economy.

There would be social benefits arising from the delivery of four new homes for families. It is considered that the public benefits of the proposal would outweigh the less than substantial harm to the heritage significance of Fife House through development within its setting. Therefore, it is considered that the proposal would not conflict with Local Plan Policy HE1 and the aims of relevant policies in the NPPF that seek to conserve and enhance the historic environment.

4.4.3 The development would also not result in unacceptable harm to neighbouring amenity given the design amendments and siting to the north of nearby occupiers. The development would also be acceptable on highways safety grounds and provide sufficient off-street car parking for future occupiers.

4.4.2 It is considered that the proposed development would result in an acceptable form of development that would comply with the policies set out within the North Hertfordshire Local Plan and the provisions set out within the National Planning Policy Framework.

5.0 **Alternative Options**

5.1 None applicable

6.0 **Pre-Commencement Conditions**

6.1 I can confirm that the applicant agrees to the pre-commencement conditions that are proposed.

7.0 **Legal Implications**

7.1 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.

8.0 **Recommendation**

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

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

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

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

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

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

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

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

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

5. Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.
- the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- the hours of operation and construction vehicle movements.
- details of any highway works necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings and how visibility splays will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- the provision for addressing any abnormal wear and tear to the highway.
- waste management proposals.
- Provision of sufficient on-site parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- 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 and remaining road width for vehicle movements.

Reason: To minimise the impact of the construction process on the on local environment and local highway network in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

6. Prior to the occupation/use of the development hereby permitted, the details of the siting, type and specification of EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained.

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

7. Prior to the first occupation/use of the development hereby permitted the vehicle access, access road and car parking layout shall be installed in accordance with the approved detailed technical plans and thereafter retained and maintained at all times at the position shown. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

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

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

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

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

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

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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

9. 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: To ensure the implementation of an appropriate archaeological investigation, recording, reporting and publication, and the protection and preservation of archaeological features of significance, in accordance with North Hertfordshire Local Plan Policy HE4 and Section 16 of the NPPF 2021

10. Prior to commencement, landscape details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the following:

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

Reason: To ensure a satisfactory appearance to the completed development in accordance with Policy NE2 of the North Hertfordshire Local Plan and achieve biodiversity net gains in accordance with Policy NE4.

11. The development hereby approved shall incorporate one swift box/brick per dwelling and one bat box/brick per dwelling. 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.

Informative/s:

1. In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.
2. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
3. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
4. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
5. Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
6. The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage

past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsofway/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

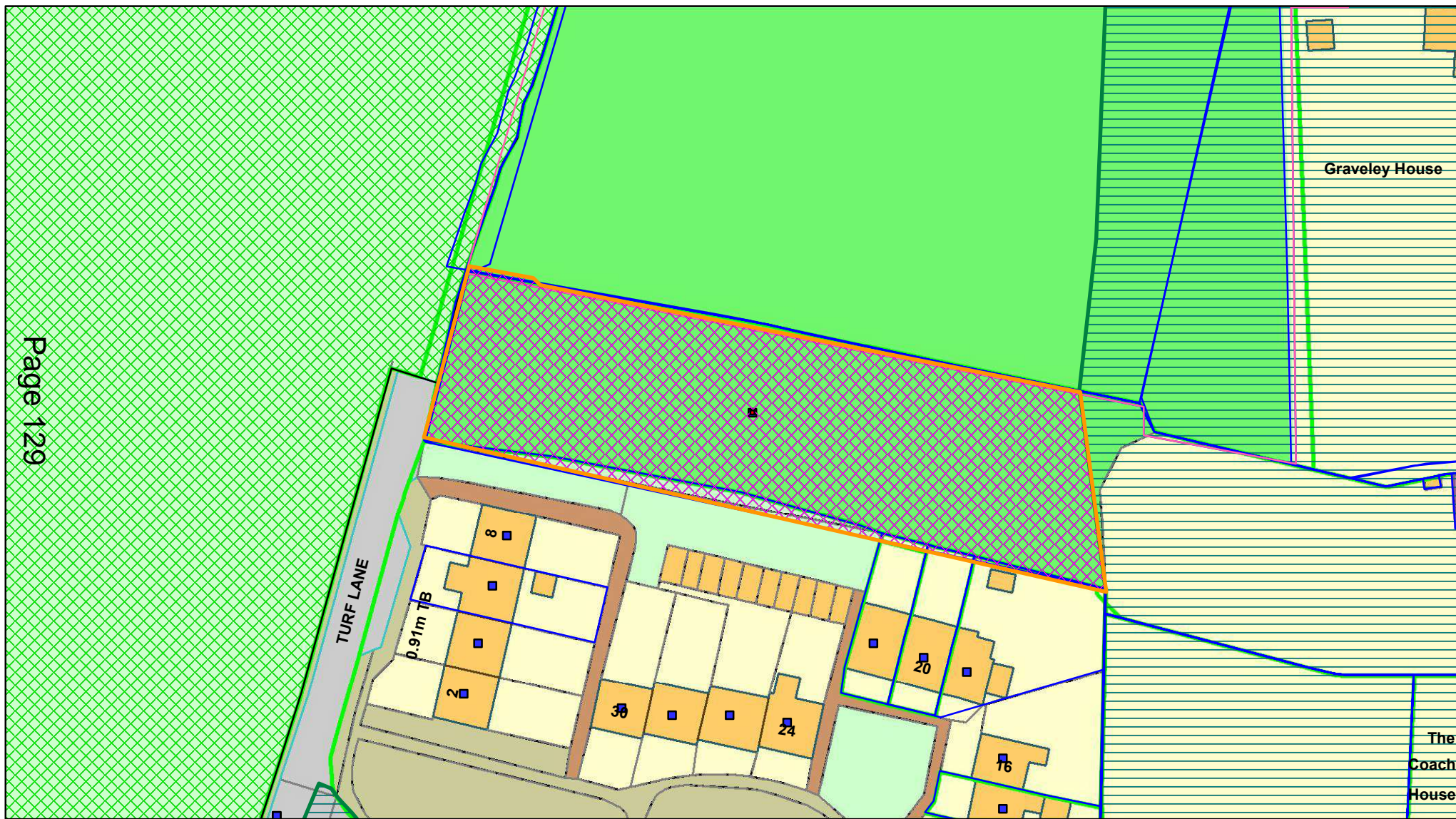
7. Highway to remain private: The applicant is advised that all new highway routes within the development site are likely to remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047
8. Environmental Health Informative:

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.
9. Environmental Health Informative:

During the construction works 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.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/01392/FP Land Rear of 33 High Street, Graveley, Hertfordshire, SG4 7LA



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PLANNING CONTROL COMMITTEE**DATE: 15 February 2024****PLANNING APPEALS LODGED**

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr Fursland	11 January 2024	Erection of one detached 4-bed dwelling to include garage in basement, landscaping and creation of vehicular access onto Hitchin Road.	Land Adjacent To 48 Hitchin Road Weston	23/00949/FP	Written Representations
Mr Fursland	11 January 2024	Erection of one detached 4-bed dwelling to include garage in basement, landscaping and creation of vehicular access onto Hitchin Road.	Land Adjacent To 48 Hitchin Road Weston	23/01698/FP	Written Representations
Mr Chris Hunt	26 January 2024	Conversion of existing 3-bed house into two single level independent apartments (one 2-bed and one 1-bed). Erection of one 1-bed adjoined house and creation of 4 additional parking spaces (as amended by plans received 17th May 2023).	165 Weston Way Baldock Hertfordshire	23/00392/FP	Written Representations

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PLANNING CONTROL COMMITTEE**DATE: 15 February 2024****PLANNING APPEALS DECISION**

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr Geoff Marks	Erection of one 2-bed dwelling.	Land Adjacent To 19 Shaftesbury Way Royston SG8 9DE	23/00805/FP	Appeal Dismissed on 10 January 2024	Delegated	The Inspector concluded that, whilst the development would not be detrimental to the living conditions of neighbours, it would be harmful to the character and appearance of the area and result in the loss of a protected tree.
Mr Edward McGowan	Insertion of No.2 rooflights to existing front and dormer with Juliette balcony to existing rear roofslope to facilitate conversion of loftspace into habitable accommodation.	35 Rosecomb Royston Hertfordshire SG8 9FL	23/01355/FPH	Appeal Dismissed on 12 January 2024	Delegated	The Inspector included concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would conflict with Policies D1 (Sustainable design) and D2 (House extensions, replacement dwellings and outbuildings) of the North Hertfordshire Local Plan (LP). The Inspector also concluded that concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would conflict with LP Policy D3 which refers to development not

						causing unacceptable harm to living conditions.
Claire Parrish & Julian Young	Single storey side/rear extension and part front extension, attached rear pergola and replacement fencing on East boundary following removal of existing outbuildings. Alterations to fenestration.	13 Orlando Close Hitchin Hertfordshire SG4 9LF	23/01716/FPH	Appeal Allowed on 17 January 2024	Delegated	The Inspector stated that the Framework at para 139(b) sets out that proposed development that offers 'outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings' should be given significant weight. As a result, the Inspector did not consider the proposed extension would be incongruous and would complement and enhance the character of the street scene, aligned to policies D1 (Sustainable design) and D2 (House extensions, replacement dwellings and outbuildings) of the LP and the relevant parts of the Framework.



Appeal Decision

Site visit made on 7 December 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/X1925/W/23/3324491

Land adjacent to 19 Shaftesbury Way, Royston, Hertfordshire SG8 9DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Geoff Marks against the decision of North Herts Council.
- The application Ref 23/00805/FP, dated 3 April 2023, was refused by notice dated 26 May 2023.
- The development proposed is a 2 bedroom dwelling with single storey rear projection.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the issue of the decision notice on 26 May 2023, the Council made a provisional Tree Preservation Order (TPO) on 21 June 2023 which was confirmed on 1 November. This TPO covered a number of trees and included an Ash tree on the application site and this tree is referred to in reason one of its decision. I have taken account of this TPO in reaching my conclusions.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issues

4. The main issues are the effect of the proposed development on:
 - a) The character and appearance of the area including a protected tree within the appeal site, and
 - b) The living conditions of neighbours having regard to outlook, light and overlooking.

Reasons

Character and appearance

5. The appeal site comprises a parcel of land adjacent to number 19 Shaftesbury Way. It is laid to grass with a mature Ash tree to its centre. The parcel of land forms part of a small open green space that is criss-crossed by a number of footpaths providing pedestrian access to surrounding roads and homes. The green space adds articulation to this estate of houses, particularly with the pleasant sprinkling of numerous mature trees. The proposed dwelling would be situated on this green space. This would erode the open quality of this area and

introduce unwelcome built form to the detriment of an interesting local feature in this part of the housing estate. This would be harmful to the character and appearance of the area. That the proposed dwelling would be detached is, however, not a matter of concern of itself, as this would be similar to the row of detached houses along this part of the road. The harm arises due to built form in this location.

6. Following its refusal of planning permission, the Council made a TPO which included the Ash tree which is set towards the centre of the site. This tree is a valuable feature in the street scene in its own right and, moreover, contributes to the verdant setting of this small area of green space. As such, its loss would be detrimental to the character of the area.
7. I conclude that the proposed development would disrupt this area of pleasing open green space, including the loss of the protected tree, to the detriment of the character and appearance of the area. The proposal therefore conflicts with policies SP9 and D1 of the North Hertfordshire Local Plan (NHLP) and provisions of the Framework. These policies, amongst other things, support new development which does not cause unacceptable harm to living conditions.

Living conditions

8. The proposed dwelling would be set adjacent to number 19 Shaftesbury Way. The bulk of the building would mainly align with this neighbour which has no facing windows to this aspect. A rear projecting single storey element would extend beyond the back wall of this neighbour, however this depth is modest and would not result in a significant loss of outlook. There may be a slight loss in natural light or direct sunlight due to the proposed dwelling, however this would only be for part of the day and is from an aspect which is already shaded by the Ash tree. As such, the proposed dwelling would not have an unacceptable impact on the living conditions of number 19.
9. The appeal site is mainly level but does slope sharply down towards the rear and towards numbers 65 and 67 Shepherd Close. These neighbouring houses would have a view uphill of the proposed dwelling. However, I am satisfied that this distance is sufficiently great such that it would not result in an overbearing appearance, despite the change in levels. Moreover, this distance is sufficient to ensure that there would not be a material increase in overlooking from the proposed dwelling, particularly as numbers 65 and 67 address the open green space towards the front.
10. I conclude that the development complies with policy D3 of the NHLP and the Framework. This policy is to ensure that living conditions are not adversely affected by new development.

Other Matters

11. The Highway Authority have inferred that they own part of the appeal site and have sought clarity from the appellant. However, neither the appellant nor Highway Authority have provided more commentary on this issue. Nevertheless, the ownership of land is not a matter within my remit. In any case, no material planning harm, or conflicts with any policies of the development plan have been highlighted by the Council or Highway Authority in this regard.

Conclusion

12. For the reasons given above I conclude that, whilst the development would not be detrimental to the living conditions of neighbours, it would be harmful to the character and appearance of the area and result in the loss of a protected tree. The proposal therefore conflicts with the policies of the development plan, read as a whole and there are no material considerations, including the creation of a new home, that would outweigh this. The appeal should, therefore, be dismissed.

Nick Bowden

INSPECTOR

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Appeal Decision

Site visit made on 19 December 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 12th January 2024

Appeal Ref: APP/X1925/D/23/3329526

35 Rosecomb, Royston, Hertfordshire SG8 9FL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Edward McGowan against the decision of North Hertfordshire District Council.
 - The application Ref 23/01355/FPH, dated 11 June 2023, was refused by notice dated 2 August 2023.
 - The development proposed is the erection of a rear loft conversion.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. On 19 December 2023 an updated version of the National Planning Policy Framework (the Framework) was published but this does not materially alter the assessment of the appeal scheme.
3. As part of the appeal, the appellant has submitted an amended design for the proposed rear dormer extension which seeks to address the Council's reason for refusal. However, as part of the Householder Appeal Service, the Council and other parties do not have the opportunity to comment on any amended design. Accordingly, this appeal has been determined based upon the scheme subject of the application assessed by the Council

Main Issues

4. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the host property and the surrounding area and (b) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

5. The appeal property is a detached 2-storey dwelling situated on a corner plot within a predominantly residential area. There is a 2-storey projecting rear gable which has a lower ridge when compared to the property's main roof. The rear of the property can be seen from the turning head of a cul-de-sac and other dwellings which are adjacent to the property's rear amenity space.

6. From what could be observed during the site visit, the roofscape of the surrounding residential area has a consistent appearance with no noticeable alterations, including rear dormer extensions of the type subject of this appeal. Although the surrounding dwellings are of varying designs and sizes, they possess the same roof pitch and grey tiles which contribute to the consistency of the character and appearance of the roofscape.
7. Within the context of the surrounding area's roofscape, rather than be a sympathetic extension, the proposed rear dormer extension would be an incongruous and conspicuous addition to the host property's roof, including when viewed from the turning head and the dwellings located to the rear of the property. Further, by reason of design and siting there would be an awkward visual and physical juxtaposition between the appeal scheme and the roof of the 2-storey rear gable projection.
8. On this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would conflict with Policies D1 and D2 of the North Hertfordshire Local Plan (LP). Amongst other matters, these policies refer to development responding positively to a site's local context and for extensions to be sympathetic to the existing house.

Living Conditions

9. The property does have first floor windows within the rear elevation which serve habitable rooms. By reason of the layout of the neighbouring dwellings located to the rear of the property, there is already an outlook from these windows towards the rear gardens of these dwellings.
10. However, the proposed Juliette balcony at roof level would, because of its size and elevation above ground level, afford a materially increased level of overlooking and, at least, a greater perceived sense of loss of privacy for the neighbouring occupiers, particularly where the outlook is primarily towards the rear gardens and elevations of the adjacent properties.
11. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would conflict with LP Policy D3 which refers to development not causing unacceptable harm to living conditions.
12. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR



Appeal Decision

Site visit made on 19 December 2023

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024.

Appeal Ref: APP/X1925/D/23/3330645

13 Orlando Close, Hitchin, Hertfordshire SG4 9LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Claire Parrish and Julian Young against the decision of North Hertfordshire District Council.
 - The application Ref 23/01716/FPH, dated 17 July 2023, was refused by notice dated 13 September 2023.
 - The development proposed is single storey side/rear extension and part front extension, attached rear pergola and replacement fencing on East boundary following removal of existing outbuildings. Alterations to fenestration.
-

Decision

1. The appeal is allowed and planning permission granted for single storey side/rear extension and part front extension, attached rear pergola and replacement fencing on east boundary following removal of existing outbuildings, alterations to fenestration, at 13 Orlando Close, Hitchin, Hertfordshire, SG4 9LF in accordance with the terms of the application, Ref 23/01716/FPH, dated 17 July 2023 and the plans submitted with it, subject to the following conditions:
2. The development hereby permitted shall begin not later than 3 years from the date of this decision.
3. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 2302/001 rev 2 (Location Plan); 2302/02 (Existing Site Plan); 2302/3 (Floor Plans-Existing); 2302/4 (Existing Plans); 2302/5 (Elevations-Existing); 2302/044 (Proposed Site Plan); 2302/045 (Floor Plans-Proposed); 2302/46 (Proposed Plans); 2302/47 (Elevations-Proposed); 2302/48 (Elevations Proposed).

Procedural Matters

4. During the determination of the application the description of development was amended by the council to reflect the elements of the proposal that require planning permission. I have therefore used the amended description included in the decision notice for accuracy.

Preliminary Matters

5. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (the Framework). Neither the appellant nor the Council have made any further submissions regarding the revised

Framework, and I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Reasons

6. The main issues are the effect of the proposals on the character and appearance of the host dwelling and wider area.
7. Orlando Close is a pleasant, small modern (c1960s-1970s) residential cul-de-sac with a mixture of detached and semi-detached, two storey houses and 1.5 storey chalet-style bungalows set behind front gardens and with off road parking. The prevailing character is suburban with an open feel partly attributed to the spacing of the dwellings and lack of formal front boundaries.
8. The appeal property, No13 is one of a pair of semi-detached houses located on the corner of Orlando Close with Passingham Avenue where its front door is located. This gives the property a dual aspect and is clearly visible within the streetscene. It is elevated in brick with hanging tiles at first floor level and an interlocking tile roof and also differs from its adjoining neighbour having black window frames.
9. The proposals would add a significant single storey extension to the property to provide more living space and a guest bedroom and change the location of the front entrance to one which is reached from Orlando Close.
10. The appellant has chosen an angular, contemporary design which seeks to echo the shape of this corner plot. It would be subservient to the host dwelling in terms of its size. However, I acknowledge that it would be striking in its appearance, particularly given its prominent location.
11. The design quality of the proposal is evident in the care taken to conceal the rainwater goods and provide energy efficient features such as photovoltaic cells and a planted roof. The council consider that the extension would contain awkward roof junctions, but I do not agree. In particular, from the public domain the high additional window detailing breaks up the mass and reduces the effect of the height.
12. The principal elevation of the extension would be clad in black timber and I note the council's concerns in relation to this. However, I do not agree that timber cladding is particularly high maintenance: this is dependent on the type of timber and the treatment it is given. In any case, this could be covered by a planning condition to ensure good quality materials were used.
13. Policies D1 (Sustainable Design) and D2 (House extensions, replacement dwellings and outbuildings) of the North Hertfordshire Local Plan (2022) (LP) sets out that new development must respond positively to its context, enhancing character and appearance, is not over-dominant and incorporates sustainable building technologies, amongst other things.
14. The Framework at para 139(b) sets out that proposed development that offers '*outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings*' should be given significant weight.

15. As a result, I do not consider the proposed extension would be incongruous and would complement and enhance the character of the street scene, aligned to policies D1 and D2 of the LP and the relevant parts of the Framework.

Conditions

16. In addition to the standard commencement condition (1), a condition is necessary requiring that the development is carried out in accordance with the approved plans (2) in order to provide certainty.
17. I have included a further condition (3) requiring materials to be approved in order to address the council's concerns about the quality and longevity of the proposed cladding.

Conclusions

18. For the reasons given and having considered all matters raised, I conclude that the appeal is allowed, subject to the conditions listed.

Sian Griffiths

INSPECTOR

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