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# NORTH HERTFORDSHIRE DISTRICT COUNCIL

8 March 2024 Our Ref Planning Control Committee 21 March

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, 21ST MARCH, 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 <u>Part I</u>

Item Page

# 1. APOLOGIES FOR ABSENCE

Members are required to notify any substitutions by midday on the day of the meeting.

Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.

# 2. MINUTES - 15 FEBRUARY 2024

(Pages 5

To take as read and approve as a true record the minutes of the meeting of the Committee held on the 15 February 2024 - 18)

#### 3. NOTIFICATION OF OTHER BUSINESS

Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.

The Chair will decide whether any item(s) raised will be considered.

# 4. CHAIR'S ANNOUNCEMENTS

Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.

### 5. PUBLIC PARTICIPATION

To receive petitions, comments and questions from the public.

# 6. 23/00563/FP LAND ON THE SOUTH OF, OUGHTONHEAD LANE, HITCHIN, HERTFORDSHIRE, SG5 2NA

(Pages 19 - 58)

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. 23/01947/FP THE ANCHOR, 84 CAMBRIDGE ROAD, HITCHIN, HERTFORDSHIRE, SG4 0JH

(Pages 59 - 78)

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of new convenience retail unit (Class E); alterations to means of access and reorganisation and extension of car park, including the change of use of land from residential gardens and the installation of EV charging points; demolition of outbuildings to pub and external alterations including the erection of garden pergola and structures, new patio and external lighting and installation of new cold store and covered walkway to back of house and replacement of part of kitchen extraction system.

# 8. 22/02628/FP LAND AT 1-36 FREEMANS CLOSE, HITCHIN, HERTFORDSHIRE

(Pages 79 - 182)

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Proposed residential development for 48 dwellings comprising 30 apartments, 14 two storey flats and 4 houses with associated vehicle and cycle parking, open space, access and ancillary works following demolition of existing buildings (as amended by plans and documents received 10th March and 19th May 2023.)

# 9. 21/01882/FP LAND EAST RHEE SPRING AND ORWELL VIEW, ROYSTON ROAD, BALDOCK, HERTFORDSHIRE

(Pages 183 -

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

274)

Proposed residential development for 42 dwellings, access, parking, landscaping and associated works, including provision of an electrical substation (as amended by plans and documents received 23.08.2022, 29.09.2022, 20.12.2023 and 27/02/24).

# 10. 23/01259/FP FRIENDS GREEN FARM, FRIENDS GREEN, DAMASK GREEN ROAD, WESTON, HITCHIN, HERTFORDSHIRE, SG4 7BU REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

(Pages 275 -290)

Retention of change of use of (equestrian) livery stables to (Sui Generis) car sales and (Use Class B2 general industrial) car servicing.

# 11. APPEALS

(Pages

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

291 -

304)



# Public Document Pack Agenda Item 2

### NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

# MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, LETCHWORTH GARDEN CITY ON THURSDAY, 15TH FEBRUARY, 2024 AT 7.30 PM

#### **MINUTES**

Present: Councillors: Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen,

Simon Bloxham, Mick Debenham, David Levett, Louise Peace,

Phil Weeder, Ian Mantle and Dave Winstanley.

In Attendance: Sedem Amegashie-Duvon (Trainee Solicitor), Ben Glover (Senior

Planning Officer), Shaun Greaves (Development and Conservation Manager), Andrew Hunter (Senior Planning Officer), Caroline Jenkins (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Anne McDonald (Development Management Team Leader), Kerrie Munro (Locum Planning Lawyer) and Sjanel Wickenden (Committee, Member and

Scrutiny Officer).

Also Present: At the commencement of the meeting there were approximately 36

members of the public, including registered speakers.

Councillors Dominic Griffiths, Nigel Mason, Claire Strong and Clare

Billings were also present.

### 169 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 54 seconds

Apologies for absence were received from Councillors Nigel Mason, Sean Nolan, Terry Tyler and Ian Moody.

Having given notice, Councillor Ian Mantle substituted for Councillor Mason and Councillor Dave Winstanley substituted for Councillor Nolan.

### 170 NOTIFICATION OF OTHER BUSINESS

Audio recording - 2 minutes 30 seconds

There was no other business notified.

# 171 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 33 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

- (3) The Chair clarified matters for the registered speakers.
- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.

### 172 PUBLIC PARTICIPATION

Audio recording – 4 minutes 36 seconds

The Chair confirmed that the registered speakers were in attendance.

# 173 20/02412/FP LAND BETWEEN 53 AND 81 AND LAND REAR OF 7-53, WATERDELL LANE, ST IPPOLYTS, HERTFORDSHIRE

Audio recording – 5 minutes 50 seconds

The Senior Planning Officer gave a verbal update and advised that there was an update to the Sustainable Transport Heads of Terms. Regarding which Condition 18, on the advice of the Highways Officer this will not be amended and will be as the original from the meeting in September 2023.

The Senior Planning Officer presented the report in respect of Application 20/02412/FP supported by a visual presentation consisting of photographs and plans.

In response to questions from Councillor David Levett the Senior Planning Officer stated that the footpath remained as part of Condition 18 and that there had been a misunderstanding regarding the bus stop upgrade which had now been resolved.

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

- The infrastructure due process had been ignored as stated in Appendix A.
- There was a flood risk on the proposed area.
- The Local Authority and the Lead Local Flood Authority (LLFA) had begun discussion in May 2023 regarding the flood risks. The local residents had requested to be included in these meeting.
- The LLFA stated that a Local Authority maintenance plan would be required for the maintenance of any trenches, the residents requested to be included in these meetings for transparency and fair planning.
- No staff were in place to discuss the concerns of the residents and there were doubts that any imposed conditions would be fulfilled.

The Chair thanked Mr Frayne for his presentation and invited Ms Wendy Weller to speak against the application. Ms Weller thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- There were concerns regarding the infrastructure which had not been addressed.
- There were ongoing concerns about flooding, light pollution, the position of the playground and parking on Waterdell Lane.
- There was a lack of ecological mitigation in the scheme, no solar panel or solar together schemes and there were concerns regarding how the developer would be held accountable.
- There were ongoing concerns regarding communication between the developer and residents.

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

- The footpath discussed at the September meeting had now been agreed.
- One bus stop had now been upgraded and there had been an amendment to 6.1 of the report.
- The Section 106 (s106), agreement met the Heads of Terms for sustainable transport.

The Chair thanked Councillor Strong for her presentation and invited Mr David Fletcher as the agent of the applicant to speak in support of the application. Mr Fletcher thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The application had been returned to the Committee to secure s106 money for Special Education Needs (SEND). The applicant had never objected to any SEND s106 payments and there had been an error by not including this as part of the s106 payment table.
- Work was ongoing with Officers regarding the sustainable transport conditions.

The Chair thanked Mr Fletcher for his presentation.

In response to points raised the Senior Planning Officer advised that the points raised by objectors had been considered at the meeting in September and that any conditions would be monitored and enforced in accordance with procedures.

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

**RESOLVED**: That application 20/02412/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

# 174 23/00563/FP LAND ON THE SOUTH OF, OUGHTONHEAD LANE, HITCHIN, HERTFORDSHIRE, SG5 2NA

Audio recording – 22 minutes 4 seconds

The Senior Planning Officer gave a verbal update and advised that:

- The remaining s106 matters had been agreed by the applicant. These included funding for Oughtonhead Common, waste services and Hitchin swim centre.
- There was an error at Paragraph 4.3.5, the affordable housing column should include one 4 bed dwelling, the total remained at 17 affordable dwellings.

The Senior Planning Officer presented the report in respect of Application 23/00563/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Val Bryant
- Councillor Ian Mantle
- Councillor Dave Winstanley
- Councillor David Levett
- Councillor Louise Peace

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

 There was one main road access to this site at Lower Innings and four pedestrian access routes onto Oughtonhead Lane.

- The majority of dwellings had garages, and the plans highlighted the storage areas for refuse bins.
- There had been a separate application approved for the access to this site.
- The application only had vehicular access from the north via Lower Innings, access from Bowlers End did not form part of the application.
- A draft travel plan had not been submitted with this application however, this would form a Condition of the approval of the application.
- No response had been received from the Rights of Way Officers.
- The biodiversity net gain was highlighted at section 4.3.65 of the report and there would be a net gain of 6.91%.
- Solar panels for the majority of dwellings had been secured by the approved plans, and not as a condition of the approval of the application.

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

- Access to this site had been previously granted and this application was for the housing development and associated traffic of the new dwellings.
- The absence of a draft travel plan would not be a reason to refuse an application and would normally be added as a condition when granting an application.

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

- They had attended and objected to the application for access to this site.
- There had been 97 comments on this application, only 1 comment was in support of the application.
- There were concerns regarding pedestrian safety at the access point to this site.
- There were concerns regarding the traffic flow which should be reviewed prior to the development commencing.
- There were concern regarding priority rights on Lower Innings and how traffic queues and associated pollution would be managed.
- Residents of Lower Innings had further concerns as they already struggled to get their cars and refuse bins out for collection.

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

- There were 137 parking spaces on the development site, and it was predicted that this
  would generate 233 car journeys per day, of which 27 would be in the morning peak and
  30 during the evening peak.
- There were concerns regarding traffic congestion, air quality, noise and pedestrian safety.
- The junction of Lower Innings would cross a green traffic free route that had flora and wildlife habitat and leads to a nature reserve.
- There were concerns regarding the high level of street lighting which were not desirable in the location.
- There were no cycle or pedestrian link to Bowlers End, which would have benefitted residents.
- There were concerns regarding the cycle route on Oughtonhead Lane and the avoidance of vehicular traffic at the new Lower Innings junction.
- There was no information regarding the market price of the affordable housing.

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

- There were still unanswered queries relating to the access application.
- The two applications were linked, this housing development provided the traffic that would be passing the Oughtonhead Lane bridle way.
- There were concerns regarding the Lower Inning junction with the Oughtonhead Lane bridle path and the impact to users of the bridle way.
- There were concerns relating to the access of the site as stated at 4.3.42 of the report, and these had yet to be addressed.
- The technical plans details and the vehicular access safety were highlighted by Condition 8 of the previous application, however these had not been adequality addressed in this application.
- A full traffic assessment had been requested but not completed by the applicant.
- There was confusion regarding Condition 8 with conflicting information.
- It was felt that questions still remained unresolved, including the vehicular access priority from Lower Innings into the development.
- There were no slides of Oughtonhead Lane in the presentation.

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

- The site had been allocated under the Local plan for the development of 46 dwellings.
- Access had been approved from Lower Innings into the development area.
- There was no other vehicular access point available due to a ransom strip between the site and Westbury Close.
- There would be 17 affordable dwellings of various sizes.
- There would be negligible visual impacts to the Chilterns Area of Outstanding Natural Beauty (AONB).
- The designs were in keeping with local developments and would be two stories high.
- There would be a biodiversity net gain and the development would avoid any impact on the important habitats within the site.
- New play areas would be provided for all members of the community.
- The garages on the site would be oversized to accommodate cars and bicycles.
- There had been no objections from Hertfordshire County Council Highways team.
- All dwellings would have heat pumps, PV panels, EV charging points and timber frames.
- The application would generate S106 money including £500K for primary education and £600K for secondary education.
- There had been no consultee objections to this application.

The following Members asked points of clarification:

- Councillor Daniel Allen
- Councillor David Levett

In response to points of clarification Mr Farnsworth advised that:

- All properties would have PV panels, EV charging points and heat pumps.
- There was a ransom strip of land at Westbury Close.
- The land at Bowlers Ends was owned by a management company and their policies did not allow Vehicle access from Bowlers End onto the development site.
- No contact had been made to negotiate with the Bowlers End Resident Association.

The Chair thanked Mr Farnsworth for his presentation.

In response to points raised the Senior Planning Officer advised that access to the site and the condition attached to the Planning application were still under consideration from Highways.

The Chair invited Mr Senober Khan, Transport Senior Development Management Officer and Manjinder Sehmi, Transport Development Management Area Manager from Hertfordshire Highways to summarise the application.

The Transport Senior Development Management Officer summarised that:

- The site access was to the north of site from Lower Innings a single carriageway cul de sac of 16 dwellings.
- As part of the application the Lower Innings footpath would be widened, and the road would be extended to the Oughtonhead Lane bridle path
- Following discussion with the HCC Rights of Way Officer priority would be given to nonmotor users using Oughtonhead Lane
- A stage 1 traffic audit had been undertaken and the access was deemed acceptable.
- The access from the north west of the site was integral and essential to the development.
- A condition of the application stated that a full traffic audit was required.

The Transport Development Management Area Manager summarised that:

- A Construction Management Plan to ensure the flow of traffic was a recommended Condition.
- The site was enclosed by private land that Highways had no control over.
- There were no concerns regarding the impact of 30 extra cars per hour at peak time, and 27 car per hour at normal flow.
- Local access roads were not uncommon in Hertfordshire.

The following Members asked questions:

- Councillor David Levett
- Councillor Daniel Allen
- Councillor Val Bryant

In response to questions the Transport Senior Development Management Officer stated:

- It was unclear from the site photo, if access from Bowler End was possible.
- Priority would be given from Lower Innings into the site.
- It would be the responsibility of drivers to pull over when faced with any oncoming traffic and the road layout would prioritise access from Lower Innings.
- The new highway code gave priority to cyclist and pedestrians at junctions.

In response to questions the Senior Planning Officer stated:

- That Bowlers End was a privately managed road and had not been adopted.
- This application considered the housing, internal roads and landscaping within the development.

In response to a question the Locum Planning Lawyer stated that the site access application had been determined in July 2023, this application related to the dwellings on the site, it was important that Members did not confuse the two matters. This application was for the houses, traffic on the development site and parking.

In response to a question the Development and Conservation Manager stated that applicant applied for the access on to the site separately, because section 278 agreements take a considerable time to be processed. This application would generate the traffic.

Councillor David Levett proposed that the application be refused, and Councillor Simon Bloxham seconded.

The Locum Planning Lawyer stated that it was unique to have separate applications for the access and development of a site. Members were reminded that the access had already been granted and this application was for consideration and voting on today.

The following Members took part in debate:

- Councillor Daniel Allen
- Councillor Ian Mantle
- Councillor Simon Bloxham
- Councillor David Levett
- Councillor Tom Tyson
- Councillor Louise Peace

Points raised in debate included:

- A legal reason to refuse was required to avoid costly legal bills.
- There were concerns that the application was in conflict with the Integration into Existing Communities section of the Local Plan
- There should be access onto the southern end of the site.
- An agreement with the resident group for a southern path should be explored.
- The application did not meet the criteria of section 135 of the NPPF.
- Guidance was required from Highways regarding trip data.
- This application should be deferred to allow the applicant to negotiate non-vehicular access from the south and east of the site.

In response to points raised in debate the Development and Conservation Manager advised:

- There was only one vehicular access point for this site, other pedestrian access points had been identified.
- Applicants were unlikely to procure costly technical reports at this stage as this could be unnecessary wasted expense in the event that an application was refused and instead preferred such matters to be controlled by a planning Condition.

Councillor David Levett on considering the points raised in debate, withdrew his proposal to refuse the application.

Councillor Levett further proposed that the application was deferred to investigate and consider Condition 8 and for the applicant to enter discussion regarding access to the south of the site. Councillor Simon Bloxham seconded the deferral.

The Development and Conservation Manager stated that it was reasonable to ask the applicant to review pedestrian access to the south east of the site.

Councillor Daniel Allen stated that the applicant had confirmed that they had not contacted the Bowlers End Resident Association to discuss any access points.

Having been proposed and seconded and following a vote, it was:

**RESOLVED**: That application 23/00563/FP be **DEFERRED** to a future meeting to allow for the applicant to review the potential for a pedestrian access point to the southeast of the application site, and for the wording and requirements of recommended Condition 8 regarding the Local Cycle/Pedestrian Network Audit to be reviewed.

N.B. Following the conclusion of this item there was a short break in proceedings until 21:09.

# 175 23/02650/FP LAND SOUTH WEST OF AND ADJACENT TO LODGE COURT, TURNPIKE LANE, ICKLEFORD, HERTFORDSHIRE

Audio recording – 1 hour 38 minutes 32 seconds

N.B. Councillor Mick Debenham declared an interest and left the Council Chamber at 21:09.

The Chair advised that Councillor Peace was to speak as a Member Advocate against this item and would therefore move to the public gallery and not take part in the debate or vote.

N.B. Councillor Louise Peace moved to the public gallery at 21:10.

The Development Management Team Leader provided an update that:

- A supplement had been published correcting errors on the report.
- The agent had emailed a statement for the Committee which had been published on the 15 February 2024.

The Locum Planning Lawyer stated that the email from the agent was to be disregarded as it was submitted late.

The Development Management Team Leader presented the report in respect of application 23/02650/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

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

In response to the points of clarification the Development Management Team Leader stated that:

- The had been objections from neighbours regarding the felling of a lime tree as stated under policy 4.3.19 of the emerging Ickleford Neighbourhood Plan however previous applications had allowed the felling of this tree.
- There were still live applications granted for this site, including an application for 5 dwellings.
- PV panelling was not included in the application but could be added as a condition.
- Policy D1 would cover the addition of a new condition for an environmental management condition which could include PV panels, air pumps and renewable energy.

The Locum Planning Lawyer clarified that any new conditions would need a valid reason.

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

- Ickleford did not need any new developments, planning had recently been granted for 40 new dwellings as well as a development at Turnpike Lane as agreed in the Local Plan.
- There were concerns regarding the lack of pavement in front of the development, which would be hazardous to pedestrians.
- There was no provision for visitor parking on the site.
- The sewerage system in Ickleford was Victorian and not sufficient for water deluges.
- Four years ago the land had been cleared in preparation of a development, this land had now been reclaimed by wildlife.
- The development was not in keeping with the rural area.
- The residents objected to this development.

In response to a point of clarification from Councillor Tom Tyson, Councillor Crowe confirmed that there was only a footpath on the opposite side of the road to the development.

The Chair thanked Councillor Crowe for his presentation and invited Mrs Kate Sargent to speak against the application. Mrs Sargent thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- This was the fourth application on this site.
- Ickleford did not have any further housing needs.
- The application was supported by Officers to prevent expensive legal fees from an appeal.
- There were concerns for the local heritage assets.
- The application highlighted the weaknesses of the Planning systems.

In response to a point of clarification from Councillor Daniel Allen, Mrs Sargent stated that the law should be applied fairly to this decision.

The Chair thanked Mrs Sargent for her presentation and invited Councillor Louise Peace to speak against the application. Councillor Peace thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- This application was for 8 dwellings, previous applications on this site had been for 5 detached, 4 bedroom dwellings, this application was for 2 detached, 4 bedroom dwellings and 6 semidetached, 3 bedroom dwellings.
- The previous application on this site had been decided on appeal.
- This was the first application since the adoption of the Local Plan and the Ickleford Neighbourhood Plan.
- The applicant had not demonstrated a 10% biodiversity net gain on the site, the site had been previously cleared and wildlife had now returned.
- A mature tree would need to be felled for this application.
- Ickleford required smaller houses, whilst this application was an improvement on the previous applications, 1-3 bedroom, dwellings were required not 4.
- The 3 bedroomed dwellings were too high and did not comply with Policy SD3 of the Ickleford Neighbourhood plan.
- The planned dwellings were too big for the site.
- There were no solar panel on the site.
- There was an emerging Ickleford Neighbourhood Plan, and this application did not meet the planning policy of that plan.
- Outline planning permission had already been granted for 72 new homes in Ickleford.
- There was no s106 money from this development.

In response to a question from Councillor Simon Bloxham, Councillor Peace stated that the application would not generate any s106 money and a pedestrian crossing on the Bedford Road was required for the Village.

The Chair thanked Councillor Peace for her presentation.

In response to points raised the Development Management Team Leader stated that:

- There was already an ecological condition for this application.
- The roof height had been slightly raised and a similar height had been accepted by previous application. It was deemed that the increases would not be noticeable.

In response to a question from Councillor Daniel Allen the Development Management Team Leader stated that the Local Plan did not have a 10% biodiversity net gain requirement however, the emerging Ickleford Neighbourhood Plan did have that requirement, and this would be considered for any applications received after April 2024.

Councillor David Levett proposed the application with the additional condition and Councillor Ian Mantle seconded.

The Chair confirmed that the wording of the new condition would be delegated to the Development Management Team Leader and would state prior to first occupation.

Having been proposed and seconded and following a vote, it was:

**RESOLVED**: That application 23/02650/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with the addition of Condition 20 to read:

# "Condition 20:

Prior to the first occupation of the first dwelling a scheme of sustainability measures for all the dwellings is to be submitted to, and approved in writing by, the Local Planning Authority and implemented on site.

Reason: To address the climate emergency in accordance with Local Plan Policy D1."

# 176 23/01392/FP LAND REAR OF 33, HIGH STREET, GRAVELEY, HERTFORDSHIRE, SG4 7LA

Audio recording – 2 hours 14 minutes and 24 seconds

N.B. Councillors Louise Peace and Mick Debenham returned to the main Chamber at 21:44.

The Senior Planning Officer gave a verbal update and advised that:

- There was an ecology condition included in the application, and no development could take place until a construction management plan had been submitted in writing and approved. This had been agreed by the agent and applicant.
- There had been a request from Ecology for a plan to manage the 10% Biodiversity of the site, however this was not required under the Environment Act, and policy NE4 of the Local Plan due to the size of the development.

The Senior Planning Officer presented the report in respect of Application 23/01392/FP supported by a visual presentation consisting of photographs and plans.

In response to a point of clarification from Councillor Daniel Allen, the Senior planning officer stated that the dotted line indicated the visibility splays on the road.

The Chair invited Mrs Gill Shenoy to speak against the application. Mrs Shenoy thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The development would not provide any affordable housing.
- Plot 4 of the development would block out the light to an existing house and would not comply with the Right to Light 1959 act.
- There would be a distance of 25 feet from the back door of plot 4 to an existing house.
- There were concerns that the access opened onto a busy newly improved cycle lane and bridleway.
- The development was situated near a blind corner and there was no footpath to the school.
- The development was on a very busy narrow road.
- Trees had recently been felled in the area without permission.

In response to a point of clarification from Councillor Daniel Allen, Mrs Shenoy stated that the trees had been cut down 6 months ago.

The Chair thanked Mrs Shenoy for her presentation and invited Parish Councillor Helen Lumley to speak against the application. Councillor Lumley thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- There were concern regarding the traffic access onto Turf Lane and the nearby cycle way.
- Turf Lane was a narrow dead-end road with frequent users and high risks due to blind corners.
- The dwellings were not in keeping with the local area or the needs of the area.
- The ridge height of 8 metres would affect the quality of life of nearby residents.

The Chair thanked Councillor Lumley for her presentation and invited Councillor Dominic Griffiths to speak against the application. Councillor Griffiths thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The road width at Oak Lane and Turf Lane was a car and half wide.
- Under the Construction Management Plan only the construction site would be widened, and it was questionable whether a large lorry would be able to turn into either road.

The Chair thanked Councillor Griffiths for his presentation and invited Mr James Gran the Applicants agent to speak in support of the application. Mr Gran thanked the Chair for the opportunity and provided the Committee with a verbal presentation including that:

- The scheme was for 4 dwellings with large rear gardens.
- HCC Highways had deemed the site access acceptable, and there would be visibility splays on Turf Lane.
- The site would have a public walkway maintained for perpetuity.
- The concerns regarding the public highways were outside the scope of this development.
- A similar scheme had been approved for Ashwell Common which was situated closer to the blind bends on Turf Lane.
- The nearest plot which was situated due north of the existing dwellings did not breach the 25-metre rule taken from the elevation of 22 Oak Lane for light shading.
- The closest windows to residents would be obscured and would have high level openings to safeguard privacy.
- The dwellings would be set back and would not affect any loss of light.
- The site was within the village boundary of Graveley which was designated as a category A village in the Local Plan.

- There was an acceptable turning area for large vehicles with a dedicated turning area as stated under Condition 5.
- The rear properties would be completed first to allow ample turning area, which would be 20 metres in width.
- The development was for 4 dwellings that were appropriate and in fitting with the character of the village.

In response to a point of clarification from Councillor Ian Mantle, Mr Gran stated that Turf Lane was an adopted road.

The Chair thanked Mr Gran for his presentation.

In response to points raised the Senior Planning Officer stated that Highways had amended their plans and condition regarding large vehicles. The new road would not be adopted and therefore any waste disposal would need to be taken outside of the site for collection.

The following Members took part in debate:

- Councillor David Levett
- Councillor Daniel Allen
- Councillor Val Bryant
- Councillor Louise Peace
- Councillor Tom Tyson

Points raised in debate included:

- The site looked very different before the trees were cut down.
- This was not the right size houses for the need but no legal reason to oppose the application.
- There may have been a legal reason to oppose this application if the trees had remained.
- The site looked very different in summer.
- There were concerns regarding the proximity of plot 4 to existing dwellings.
- The development was for 4 houses and would not greatly impact the cycleway.

In response to points raised in debate the Development and Conservation manager stated that:

- The site was within the setting of a grade 2 listed house and the Graveley Conservation Area but outside it.
- The Conservation Officer was satisfied that although there would be some harm from this development, that the harm would be at the very bottom of the spectrum of less than substantial harm and would be outweighed by the public benefits of the scheme.
- There was no legal definition regarding proximity, however in this case the BRE standard was used as a guide. A 25% line was drawn to indicate whether the proposed plot would overshadow the existing houses, this was not the case. The proposed dwelling was in any event to the north of the existing neighbouring dwelling.

Councillor Simon Bloxham proposed and Councillor David Levett seconded and following a vote, it was:

**RESOLVED**: That application 23/01392/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager

### 177 APPEALS

Audio recording – 2 hours 27 minutes 59 seconds

The Development and Conservation Manager presented the report entitled 'Planning Appeals' and informed the Committee that:

- There had been three appeals lodge since the last report.
- There had been three decisions made since the last report, two appeals of had been dismissed and one had been allowed.
- There was a summary of each decision in the report.

In response to a question from Councillor David Levett, the Development and Conservation Manager stated that the Secretary of State had indicated that an update would be provided before the 11 March 2024 regarding the Gravely Solar Farm.

The meeting closed at 10.19 pm

Chair

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Location: Land On the South Of

**Oughtonhead Lane** 

Hitchin

Hertfordshire SG5 2NA

Applicant: Cala Homes

<u>Proposal:</u> Erection of 43 dwellings, access from Lower Innings,

associated internal roads, parking, landscaping,

amenity space and open space.

Ref. No: 23/00563/FP

Officer: Ben Glover

# Reason for delay

The application was deferred from the Planning Control Committee meeting held on 15/02/24.

#### 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.

# **Supporting documents**

Please see the details contained in the full report attached at Appendix 1.

Additional plan drawing number PL07 has been submitted showing a footpath connection in the south-east corner of the site. A 14 day re-consultation on this plan has been undertaken which will expire before the date of the Committee meeting on 21/03/24.

# 1.0 Policies

1.1 Please see the details contained in the full report attached at Appendix 1.

# 2.0 Site History

2.1 23/00555/FP - Creation of access from Lower Innings to Land south of Oughtonhead Lane – Granted Conditional Permission on 02/08/2023.

# 3.0 Representations

3.1 Please see the details contained in the full report attached at Appendix 1.

# 4.0 Planning Considerations

# 4.1 Site and Surroundings

4.1.1 Please see the details contained in the full report attached at Appendix 1.

# 4.2 Proposal

4.2.1 Please see the details contained in the full report attached at Appendix 1.

# 4.3 Key Issues

4.3.1 This application was deferred from the Planning Control Committee (PCC) on 05/02/24 for the following reason (taken from the draft committee minutes):

"RESOLVED: That application 23/00563/FP be **DEFERRED** to a future meeting to allow for the applicant to review the potential for a pedestrian access point to the southeast of the application site, and for the wording and requirements of recommended Condition 8 regarding the Local Cycle/Pedestrian Network Audit to be reviewed".

# Pedestrian Access

4.3.2 The applicant has confirmed that this matter is being investigated. An amended site layout plan has been submitted showing a footpath link in the south-east corner of the site. The residents and management company of the homes in Bowlers End have been written to seek their confirmation that they have no objection to a footpath link in this location using Bowlers End as a point of access to Lavender Way. The letter from the applicant Cala Homes to these neighbours states:

"We recently had our scheme adjacent to your site deferred at planning committee whilst we approached you to see if you / your residents would be prepared to grant pedestrian rights through the Bowler's End development, from our site through to Lavender Road. At this stage the rights that the council have asked to approach you for were not specific and could be the following:-

- 1) A public footpath through our scheme and yours.
- 2) A private arrangement between us where there is a gate and a key and the access is only for our future residents, at the same time reciprocal rights to be provided to residents of Bowlers End with a key in order to cross our site to gain better access to Oughtonhead Lane.

At this stage we would not plan to offer a consideration for such rights, but we would be happy to discuss".

4.3.3 The applicant wishes for the proposal to be considered on the basis of the revised amended plan with pedestrian access to the south-west being part of the scheme. At this time, the applicant anticipates that a pedestrian link is feasible and requires for the application to be presented back to PCC for consideration as the deferral required for this matter to be 'reviewed' and in the opinion of the applicant, it has been. In the event that the full neighbour agreement from Bowlers End is not achieved and the footpath link in the south-east corner is not able to be achieved, then the application will need to be presented back to PCC for further consideration.

Therefore, on this basis the recommendation of the application is now amended to include confirmation that the agreement from the neighbours is achieved and the footpath link will be delivered on site. The S106 Agreement will take some months to complete following PCC, on the basis that the application is approved subject to the S106, and this time will allow for the matter of the footpath to be fully resolved.

### Condition 8

4.3.4 The application was also deferred from the 15/02/24 PCC on the basis that the Committee considered the wording of condition 8 needs to include the provision of a local cycle and pedestrian network audit. As recommended previously condition 8 stated:

"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".

4.3.5 This condition is now changed back to the wording as originally recommended by HCC Highways and states:

"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"..

### 4.4 Conclusion

4.4.1 Please see the details contained in the full report attached at Appendix 1.

# 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**

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 resolved to be **GRANTED** subject to:
  - A) the agreement of the applicant to further extensions of time to the statutory determination date;
  - B) the confirmation from the applicant that the neighbours in Bowlers End have no objection to the footpath link and that the footpath link will be delivered on site;
  - C) full details of the footpath link and any gate to be provided are to be submitted for consideration and if different to the details submitted at the time of the consideration of the application by the PCC the amended details are agreed by the Chair of PCC on behalf of the PCC;
  - D) the completion of the S106 legal agreement;
  - E) the following conditions and informatives:
- For the full details of the conditions and informatives please see the details in the full report attached at Appendix 1 with the exception of condition 8 as outlined above.
  - 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. 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.

- 6. (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.

7. 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).

8. 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.

- 9. 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).

10. 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).

11. 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).

- 12. Prior to first occupation 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.

- 13. 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 2023

14. 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).

15. 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.

16. 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.

- 17. 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.

18. 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.

- 7.0 **Appendices**
- 7.1 Appendix 1 report presented to 15/02/24 PCC.

**Location:** Land On The South Of

**Oughtonhead Lane** 

Hitchin

Hertfordshire SG5 2NA

Applicant: Cala Homes

Proposal: Erection of 43 dwellings, access from Lower Innings,

associated internal roads, parking, landscaping,

amenity space and open space.

Ref. No: 23/00563/FP

Officer: 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 Allocations

Policy HS2: Affordable Housing Page 29

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 Pagexpit 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.
- o 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.
- o Increase to pollution in area including noise.
- o Increase demand on schools, doctors surgeries, and other facilities and services.
- Need for more affordable homes.
- o 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.
- o 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:

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

#### Support:

o Hope that trees over hanging Ought Got 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.

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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: 733

- 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.
- o Standard of accommodation for future occupiers of the development.
- o The impact of the development on the amenity of adjoining properties.
- o The impact of the development upon local highways, access, and parking.
- Flood risk and drainage.
- o Ecological, landscape and greenspace considerations.
- o Environmental health considerations.
- o 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 spirations 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: Page 34

- 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 landscaped.
- 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 proposal 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.

- 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 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 landscapes buffer. This buffer would create a significant gap between the proposed dwellings to the north of the stand 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 ensuites. 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 including 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. Page 41

- 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 SSSI;
  - 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.

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

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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 the 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: Page 45

- (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 petwork 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:
  - o the phasing of construction and proposed construction programme.
  - o the methods for accessing the site, including wider construction vehicle routing.
  - o the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
  - o the hours of operation and construction vehicle movements.
  - o details of any highway works necessary to enable construction to take place.
  - o details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
  - o details of any hoardings and how visibility splays will be maintained.
  - o management of traffic to reduce congestion.
  - o control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
  - o the provision for addressing any abnormal wear and tear to the highway.
  - o waste management proposals.
  - o Provision of sufficient on-site parking prior to commencement of construction activities:
  - o Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - o 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.
  - o The content of the travel plan shall be fully assessed prior to its approval in conjunction with local authority officers.
  - o 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).
  - o The outputs of the travel plan (typically trip levels and mode split) are annually monitored against the agreed targets and objectives.
  - o 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.
  - o A named co-ordinator is required for success of the travel plan.

The Travel Plan should include the following:

o Agreed mechanisms for discouraging high emission vehicle use and

- o Encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies
- o Improved pedestrian links to public transport stops
- o Provision of new bus stops infrastructure including shelters, raised kerbing, information displays
- o Provision of subsidised or free access to public transport
- o Site layout to include improved pedestrian pathways to encourage walking
- o 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 Worth 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/highwaysroads-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-andenvironment/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

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.
- Building near to a public sewer No building will be permitted within the statutory easement width of 3 metres from the 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 placess 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 Samual Lucas) and to Oughtonhead Common Nature Reserve. This presents a clear risk to public and highway safety.

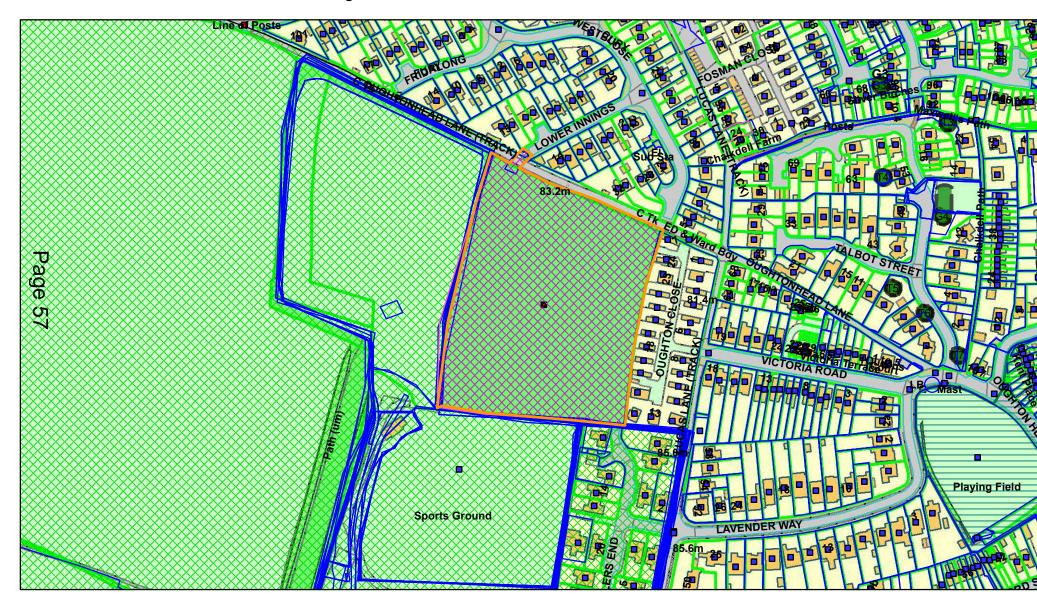
As there is clearly no safe and acceptable access route to the land in question (known as Worbey's Field) then this application should be rejected.

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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# Agenda Item 7

**Location:** The Anchor

84 Cambridge Road

Hitchin

Hertfordshire SG4 0JH

Applicant: Mrs H Binns

<u>Proposal:</u> Erection of new convenience retail unit (Class E);

alterations to means of access and reorganisation and extension of car park, including the change of use of land from residential gardens and the installation of EV charging points; demolition of outbuildings to pub and external alterations including the erection of garden pergola and structures, new patio and external lighting and installation of new cold store and covered walkway to back of house and replacement of part of kitchen

extraction system.

Ref. No: 23/01947/FP

Officer: Ben Glover

Date of expiry of statutory period: 02/11/2023

Extension of statutory period: 31/08/2024

**Reason for Delay:** Awaiting consultee responses 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 James Denselow if minded to approve and for the following reasons:

"The proposed retail unit poses a risk for significant increase in traffic in the already congested location, which could cause a danger for all users of the highway, whether by foot or vehicle. This would be especially dangerous at peak times in the mornings and evenings, with high levels of congestion being caused by cars trying to manoeuvre around each other as they enter, exit, or wait to park their vehicles.

The area around and along Cambridge Road also experiences frequent surface water flooding, which could be further exacerbated by this proposed retail unit and its associated development on and around the site.

The proposed retail unit would likely adversely impact upon the ecology and biodiversity of the adjacent nature reserve of Purwell Meadows, due to its size and close proximity.

Finally, the local area around the proposed retail unit is already very well served by convenience stores located in close proximity to the site. This includes a number of local-run and well-established businesses that provide a range of produce, which would be negatively affected by this proposal during already precarious economic conditions for small businesses. This proposal does therefore not provide enough added benefit to the area to justify the identified elements of harm."

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#### 1.0 **Site History**

- 1.1 12/01418/1 Erection of three, 3-bedroom dwellings (one detached and two as semidetached pair) together with associated car barn; creation of access to Cambridge Road; change of use of residential gardens to rear of 86, 88 and 90 Cambridge Road to facilitate creation of 24 space car park. (Amended and additional plans received 17/09/12 and tracking plan received 26/09/12)) – Allowed at appeal.
- 1.2 08/00862/1 Erection of timber framed shelter and 1800mm high trellis fence panels Refused on 10/06/2008.
- 1.3 07/00774/1 Erection of 3m x 3m timber framed lean to shelter with canvas canopy roof on rear elevation Granted Conditional Permission on 18/09/2007.

# 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 SP9: Design and sustainability Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

**Development Management Policies** 

Policy ETC3: New retail, leisure and other main town centre uses

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 NE4: Biodiversity and geological sites

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems Policy NE9: Water quality and environment

Policy NE10: Water conservation and wastewater infrastructure

# 2.2 **Supplementary Planning Documents**

Design SPD

Vehicle Parking Provision at New Development SPD (2011)

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

Section 2: Achieving sustainable development

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 enhance agree of the toric environment

# 3.0 Representations

#### 3.1 Site Notice:

Start Date: 18/09/2023 Expiry Date: 11/10/2023

#### 3.2 Press Notice:

N/A

# 3.3 **Neighbouring Notifications:**

40 representations have been received following public consultation. 38 representations are objections to the proposed development.

A petition objecting to the proposal with 828 signatures has also been received.

The comments can be viewed in full on the NHC website and have been summarised below:

#### Objections:

- Increase in traffic on public highway.
- Increased traffic would risk highways safety.
- Other shops in the area will lose business.
- Loss of a traditional pub.
- Harm to the pub which is of significant historical value.
- Harm to wildlife and the ecosystem within the Purwell Meadows Nature Reserve.
- Increase in pollution, noise, and disturbance to local residents.
- Support for local independent businesses.
- Increase in foot traffic on pathways and crossing points resulting in increased risk to pedestrian safety.
- Risk to the security of nearby neighbours.
- The building is of poor design and relates poorly to the surrounding area. The development would fail to achieve the requirements set out within the NPPF and North Herts Local Plan.
- Increase in light pollution would harm wildlife in the area.
- Concerns relating to problems with surface water flooding. An increase in impermeable surfacing would increase surface water risk.
- Insufficient car parking proposed on site.
- Risk of increase in littering in the area.
- Loss of property value.
- Previously approved residential development has expired and should carry little to no weight in the determination of this application.
- Development would block views due to siting resulting in harm to sites context.
- Overdevelopment of the site.

# **Neutral Comments:**

- The Anchor is an eye sore.
- Increase in traffic.
- Pub needs money to improve.
- Sainsburys would serve local residents well.
- Would be supportive if site included dedicated space for delivery or a turning zone.

Hertfordshire Ecology – No objection subject to conditions.

The Highways Authority – No objection subject to conditions and informatives.

Herts & Middlesex Wildlife Trust – No comments received.

Lead Local Flood Authority – No objection subject to conditions.

Waste and Recycling – No objection.

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

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

Environmental Health (Contaminated Land) – No objection.

Affinity Water - No comments.

Anglian Water – No objection.

Hertfordshire Constabulary Architectural Design Liaison Officer – No objection.

Strategic Planning Officer – No comments received.

Herts Fire & Rescue – No comments received.

Hitchin Forum – Objection. Comments available in full on NHC website.

North Herts Council Ecologist – No comments received.

#### 4.0 **Planning Considerations**

# 4.1 Site and Surroundings

- 4.1.1 The Anchor is a public house that fronts Cambridge Road, Hitchin. The application site within the defined settlement boundary for Hitchin. It is therefore not situated within the Green Belt, whereas open land to the south east and south west of the site is within the Green Belt. The site is not within a Conservation Area and there are no listed buildings on or adjacent to the site.
- 4.1.2 The site backs on to Purwell Meadows, which is a Local Nature Reserve and Local Wildlife Site and wraps around the southern and eastern boundaries of the site. To the north and west of the site are predominately residential dwellings. Further to the north east of the site are groups of three storey apartments.
- 4.1.3 The existing site contains the public house, a pub garden, and a large parking area.

- 4.2.1 Planning permission is sought for the erection of new convenience retail unit (Class E); alterations to means of access and reorganisation and extension of car park, including the change of use of land from residential gardens and the installation of EV charging points; demolition of outbuildings to pub and external alterations including the erection of garden pergola and structures, new patio and external lighting and installation of new cold store and covered walkway to back of house and replacement of part of kitchen extraction system.
- 4.2.2 The new retail unit would be single storey in height and feature a gabled roof form. The retail unit would measure approximately 14m in depth, 35m wide, and 7.4m in height with 2.7m to the eaves.
- 4.2.3 Therefore the proposal would deliver improvements to and investment in the existing public house and a new convenience store.

#### 4.3 Key Issues

- 4.3.1 The key issues for consideration include:
  - The principle of development.
  - The design and appearance of the proposal and the impact on the character and appearance of the area.
  - 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.

#### 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 within Hitchin and will help maintain the role of Hitchin as a key settlement.
- 4.3.5 Policy ETC2 of the North Herts Local Plan states that "planning permission for employment outside of allocated Employment Areas... will be granted provided that... the proposal is... within a defined settlement boundary... small scale employment development, and... is appropriate to the location in terms of size, scale, function, catchment area and / or historic and architectural character; and there would be no significant adverse impacts on living conditions".
- 4.3.6 Local Plan Policy ETC7 supports the provision of local community shops and services to meet the day-today needs of the local community within defined settlement and confirms that 280 sq. m. will generally be used as a guide to determine small scale. Whilst the overall size of the proposed retail unites.

- proposed retail unit would measure 279 sq. m. It is accepted that the proposed store is small in scale and would be aimed to meet the day-to-day needs of the local community, along with the improved and refurbished public house.
- 4.3.7 Part of the scheme includes the change of use of land to the reason of Nos. 86 to 92 Cambridge Road from former domestic gardens to car park. This area has not been used as garden land for several years and planning permission was granted on appeal in 2013 for the change of use of this area to create a 24-space car park for the pub/restaurant as a part of a residential scheme for three houses. Therefore, the principle of the change of use of the overgrown rear garden space to car parking has been accepted previously.
- 4.3.8 The proposed works to The Anchor Inn involve the reconfiguration and upgrading of internal and outdoor space. The applicant indicates that the proposed changes are necessary to ensure that the premises remain attractive to potential customers and thereby retain the Anchor Inn as a viable and sustainable business operation. This accords with Local Plan Policy ETC7 which seeks to protect local and community facilities.
- 4.3.9 The proposed development and associated works would be situated within the town of Hitchin. Furthermore, the application site is appropriately located with the site being accessible to local residents via a range of transport methods including foot, bike, and public transport. The proposal would comply with the aims of Local Plan Policies ETC2 and ETC7.

#### Sequential Assessment:

- 4.3.10 Policy ETC3 of the Local Plan sets out the requirements for new retail development. Given that the development would be for a main town centre use outside of an existing centre, a sequential assessment has been submitted alongside the application in accordance with both Policy ETC3 and Paragraph 91 of the NPPF.
- 4.3.11 The proposed retail unit would be situated within a site of approximately 0.32 hectares. Within the site exists the Anchor Inn pub and its associated car park.
- 4.3.12 The proposed retail unit would feature a footprint of 395sqm and therefore falls below the threshold requiring the submission of a retail impact assessment.
- 4.3.13 The sequential test is designed to identify a suitable location for a main town centre use starting with identifying locations within an existing town centre or allocated site within a town centre, then potential locations on the edge of a centre if a site cannot be identified within an existing town centre. If a site cannot be identified on the edge of a centre, then the sequential test moves on to identifying sites in out of centre locations that are well connected and accessible.
- 4.3.14 For an alternative site to be suitable for the proposed development, the alternative site must meet the requirements of the proposed development.
- 4.3.15 The sequential assessment submitted alongside the application failed to identify any suitable alternative out of centre sites when compared to the application site proposed.
- 4.3.16 One potential alternative in-centre site had been identified within the submitted assessment. This was the B&M store car park on Nightingale Road, Hitchin. The assessment considered the site to not be suitable as set out below:

"The proposal on the site would place a gansiderable strain on the retained parking spaces for the B&M store, which would likely give rise to highway safety issues. A store

- on the site would also have very limited roadside visibility, if any, and it would be contrary to the Council's aspiration to see it redeveloped into housing"
- 4.3.17 In consideration of the above and the submitted sequential assessment, the chosen site is in an acceptable location for the purposes of applying Policy ETC3 of the Local Plan.

#### Siting, Design, and Appearance:

- 4.3.18 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.
- 4.3.19 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.
- 4.3.20 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.
- 4.3.21 The proposed development would consist of two parts. The erection of a new retail unit along with associated car parking, and external alterations including the erection of new structures to The Anchor public house.
- 4.3.22 The immediate locality is characterised by predominately two storey buildings with gabled roof forms and a mixture of materials including red brick, white render, slate, and clay roof tiles. The wider area consists of groups of terraced dwellings, single storey units, and a group of four storey buildings containing flats. The site sits adjacent to Purwell Meadows, a nature reserve.
- 4.3.23 The sites history includes the application for three 3-bed dwellings within the site. The application was allowed at appeal and concluded the following:
  - "Whilst the proposed development would introduce buildings to a relatively open area of land adjacent to Purwell Meadows, I find that there would be no harmful impact on the character of the area due to the largely developed, urban nature of Cambridge Road in this location. Furthermore, there are mature hedge boundaries between the site and Purwell Meadows and these limit direct views across the site to glimpses of the open land beyond."
- 4.3.24 It is noted from the residential housing application that the semi-detached pair of dwellings allowed at appeal were intended to occupy a similar position to the retail unit now proposed. However, the permission allowed at appeal has not been implemented on site and has now lapsed. Whilst a new local plan has been adopted and there have been several revisions of the NPPF, it is considered that limited weight can be given to the allowed appeal decision.

- 4.3.25 The proposed retail unit would be sited to the rear of the application site, approximately 45m from the public highway. The unit would measure approximately 14m in depth, 35m wide, and 7.4m in height with 2.7m to the eaves. The unit would feature a gabled roof form with red facing brickwork, a feature honey brickwork band, brick plinth, horizontal timber boarding to the gable ends, and a slate appearance roof tile.
- 4.3.26 Whilst the retail unit would be visible from within the local area, the siting of the retail unit to the rear of the site would significantly reduce any potential dominance of the structure within the street scene.
- 4.3.27 Furthermore, the height of the development would be appropriate within the local context sitting level with the roof ridge of The Anchor pub.
- 4.3.28 The existing vegetation along the southern boundary of the application site would be largely retained obscuring views of the retail unit when travelling north along Cambridge Road towards the site. The retail unit would also be well screened from views when travelling south along Cambridge Road towards the site. The development would therefore be well screened from users of the highway with the most prominent views being from the front boundary of the site next to The Anchor, and from within Purwell Meadows to the rear.
- 4.3.29 The materials proposed would be in keeping with those in use in the surrounding street scene. A materials condition can be included to ensure the materials would be of an acceptable quality and not harm the local character.
- 4.3.30 Whilst the retail unit would be a large building, given the above, it is considered that its impact to the character and appearance of the area would be acceptable. The proposed development would comply with the provisions set out in Policy D1 of the Local Plan and the provisions set out in Paragraph 135 of the NPPF.
- 4.3.31 The works to The Anchor would include the demolition of existing outbuildings and a number of external alterations including the erection of a garden pergola, timber huts, patio, external lighting, and the installation of a new cold store and covered walkway. The replacement of the kitchen extraction system is also proposed.
- 4.3.32 The works proposed to The Anchor are considered acceptable. The works would enhance the appearance of the site within the context of the surrounding street scene. The proposal would therefore comply both local and national planning policies.

#### Impact on Neighbouring Properties:

- 4.3.33 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.
- 4.3.34 The application site is a large plot that contains the existing public house (The Anchor). The site extends towards the northeast and along the rear of a number of residential properties that front Cambridge Road and up to the side of two semi-detached properties accessed off William Road. To the rear of the site and southwest is Purwell Meadows, an open nature reserve.
- 4.3.35 The proposed new retail unit would be situated to the southern portion of the site and would extend along the rear (eastern) boundary to the north. The development would be set away from all nearby residential properties. The northern elevation of the site would be set approximately 35m from the side elevation of the pair of semi-detached properties to the north of the site. Views of properties and along the rear (eastern) boundary to the northern elevation of the site would be set approximately 35m from the side elevation of the pair of semi-detached properties to the north of the site. Views of properties and along the rear (eastern) boundary to the north. The development would be set away from all nearby residential properties.

- 4.3.36 The proposed retail unit would not result in any unacceptable overshadowing, overbearing impact or loss of privacy to the existing nearby neighbouring occupiers.
- 4.3.37 The development would include the creation of car parking to the side and rear of the existing residential units. Given the nature of car parking, the provision of parking in this part of the site would not result in any loss of light or privacy to the neighbouring occupiers. Furthermore, no objection has been received from Environmental Health with regards to the potential noise impact of the development to neighbouring occupiers.
- 4.3.38 The works proposed to The Anchor are proportionate in scale and would not result in any unacceptable overbearing impact or loss of amenity to the nearby neighbouring occupiers that front Cambridge Road.
- 4.3.39 Given the above, the proposed development would comply with Policy D3 of the Local Plan and the principles set out within the NPPF.

#### Impact on Highways:

- 4.3.40 The Highways Authority have been consulted on the proposed development and have raised no objection subject to the inclusion of conditions and informatives.
- 4.3.41 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, 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:

- 4.3.42 NHLP Policy T2 on Parking requires proposals to have regard to the standards set out in the relevant supplementary planning document (SPD). This requires that x1 space is required per 30m2 of a retail food store that has a ground floor area of less than 500m2.
- 4.3.43 37 car parking spaces would be provided within the application site to serve both the pub and retail unit. The parking spaces would comprise of four electric vehicle charging spaces, three disabled parking spaces, two family parking spaces, and the remainder as unallocated parking spaces.
- 4.3.44 The retail unit has a floor area of approximately 395m2 and should provide at least 13 spaces within the site.
- 4.3.45 The public house has a bar area floor space of approximately 150m2. The SPD requires x1 space per 3m2 of floorspace of the bar area.
- 4.3.46 The SPD shows the existing public house as being situated within Zone 1 of Hitchin. The zones within the SPD represent an allowance for an acceptable reduction in parking provision on sites. Zone 1 would require the site to provide only 25% of unfettered demand equating to 12.5 spaces.
- 4.3.47 With the site being situated within a highly accessible location and in short walking distance of a range of public transportation and under provision in car parking is not considered a reason for refusal in this case.

#### Flood Risk and Drainage:

- 4.3.48 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, minimises residual flood risk, is designed and laid out to ensure the risk of flooding is reduced flood, and overland flow routes and functional floodplain are protected. The application is accompanied by a Flood Risk Assessment and Drainage layout plan.
- 4.3.49 The application site is located in Flood Zone 1, the zone with the lowest risk from flooding from rivers and sea.
- 4.3.50 The Lead Local Flood Authority have raised no objection to the proposed development subject to the inclusion of conditions. Furthermore, Anglian Water and Affinity Water have raised no objections to the proposed development.
- 4.3.51 The proposed development would be in accordance with the NPPF and NHLP Policy NE7.

#### Landscaping, and Greenspace:

- 4.3.52 The existing site contains predominately scrub and boundary hedgerows along with occasional trees.
- 4.3.53 The proposed development has been designed to retain much of the existing vegetation within the site. There would be some works to the existing vegetation along the southern and eastern boundaries to allow for the creation of car parking spaces and maintenance of access to the building.
- 4.3.54 Additional planting, including new tree planting, is proposed within the site. Furthermore, the development would not include the removal of the existing vegetation that falls outside of the boundary ownership.
- 4.3.55 Therefore, the development would retain much of the existing vegetation along the southern boundary, would introduce new scrubs and trees along the northern and part of the eastern boundary, and would introduce planting close to the access to the site.
- 4.3.56 Given the above, the proposed development would maintain and enhance the existing landscaping within the site.

#### Biodiversity and Ecology:

- 4.3.57 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.
- 4.3.58 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.

- 4.3.59 The Biodiversity Metric Report submitted alongside the application shows a net gain of 0.34 habitat units and no change to hedgerow units. A 45.15% gain in habitat units will be delivered on-site as a result of the development. The proposed development would deliver net gains in biodiversity and would therefore comply with Policy NE4 of the Local Plan.
- 4.3.60 Herts Ecology have acknowledged that the site contains an intense lighting layout and there is little opportunity for locations within the site to function as roosts. The ecologist has requested that an appropriate condition be included for the submission of a lighting strategy designed according to the principles set out within the Bat Conservation Trust and Institute of Lighting Professions Bats and Artificial Lighting at Night Guidance Note. However, officers consider that this needs to be balanced against the lighting requirements for the existing and proposed development in terms of a providing safe environment for users at night. The applicant has agreed to reduce the lighting levels across the car park and it is proposed that this matter is controlled by planning condition.
- 4.3.61 As per the submitted soft landscaping plan, the proposed development would incorporate a Hibernacula, hedgehog house, integrated bat boxes, integrated swallow boxes, and bird boxes. However, given the illumination levels Herts Ecology has withdrawn a previous recommendation for the installation of bat and bird boxes in existing buildings and leaves this to the applicant's ecological consultant to decide if locations and illumination levels would allow this.
- 4.3.62 In conclusion, the proposed development would comply with both the Local Plan and NPPF. No objection is raised to the proposed developments impact upon biodiversity and ecology. The proposal would deliver significant net gains in biodiversity and would therefore comply with Local Plan Policy NE4.

#### **Environmental Health Considerations:**

4.3.63 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:

- 4.3.64 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.
- 4.3.65 The application has been submitted alongside an Energy Strategy Statement and Sustainability Statement. 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 the building. The development would also maximise energy efficiency though measures that include energy efficient lighting and appliances.
- 4.3.66 Electric vehicle charging points would be incorporated into to the development with the provision of four EV charging spaces within the site.
- 4.3.67 Given the above, it is considered that the development would successfully incorporate carbon reducing technologies that would reduce energy consumption and waste. The proposal would be in compliance with both local and national planning policies.

Other Issues: Page 69

4.3.68 Concerns have been raised with regards to the impact of the development upon loca67business. Whilst noted, the development would be a sustainable development in a sustainable location that would create jobs and allow for the redevelopment of The Anchor maintaining its viability. The development would therefore provide economic benefits and help build a strong, responsive, and competitive economy as per the core principles set out in the NPPF.

#### 4.4 Conclusion

- 4.4.1 The principle of development in this location is considered acceptable. The design and layout of the scheme would not result in any unacceptable harm to the character or appearance of the locality. The development would also be appropriately sited and design to avoid any unacceptable harm to the amenities of neighbouring properties. The development would also be acceptable on highways safety grounds and provide sufficient off-street car parking spaces for users of the site whilst also being situated within a sustainable location.
- 4.4.2 It is considered that the proposed development would result in an acceptable form of development that would be in compliance 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 To be agreed and Members will be updated prior to the meeting.

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

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

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

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

3. Prior to the commencement of development involving the installation of surface water drainage in relation to the new retail unit, 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 & Drainage Strategy (Flood Risk Assessment, dated 5 June 2023 Ref: 004\_8210658\_SM\_Flood\_Risk\_Assessment, response to Lead Local Flood Authority Comments, 006\_8210658\_SM\_LLFA\_Response) and Drawings (Proposed Drainage Strategy, by Glanville, June 2023, DWG no. 8210658 - SK10 Rev P4) 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 Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of Council: Policy NE8: Sustainable drainage (Reducing Flood Risk), Policy NE9: Water quality and environment and Policy SP12: Green infrastructure, biodiversity and landscape.

- 4. Prior to the first occupation of the retail unit, details of the maintenance and management of the sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved 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:
  - 1. a timetable for its implementation.
  - 2. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
  - 3. 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 Council: Policy NE8: Sustainable drainage systems (Reducing Flood Risk), Policy NE9: Water quality and environment and Policy SP12: Green infrastructure, biodiversity and landscape.

5. Upon completion of the surface water drainage system, including any SuDS features, and prior to first occupation of the retail unit; a survey and verification report from a suitability qualified surveyor shall be submitted to and approved in writing by the Local Planning Authority. The support shall demonstrate that the surface

water drainage system has been constructed in accordance with the details approved pursuant to condition 1. 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 Policies of Council Policy NE8: Sustainable drainage systems (Reducing Flood Risk), Policy NE9: Water quality and environment and Policy SP12: Green infrastructure, biodiversity and landscape.

6. Prior to the commencement of construction on the retail unit 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 Please note if, you the Local Planning Authority review the application and decide to grant planning permission, you should notify the us, the Lead Local Flood Authority, by email at <a href="mailto:FRMConsultations@hertfordshire.gov.uk">FRMConsultations@hertfordshire.gov.uk</a>.

7. Prior to the first occupation hereby permitted the vehicular access improvements, as indicated on drawing 2022/6832/007 P4, shall be completed and thereafter retained. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and shall be secured and undertaken as part of the s278 works.

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

8. Prior to the first occupation of the development hereby permitted visibility splays measurement shown on drawing number 2022/6832/007 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).

9. Refuse Collection Prior to the first occupation of the development hereby permitted, the applicant shall provide in writing to the satisfaction of the Highway Authority, an agreement in place regarding private refuse collection arrangement indicating the size of vehicle in operation. The refuse collection vehicle must be able to enter the site in a forward gear, turn on-site, and exit the site in a forward gear. In the event that the size of refuse vehicle should change such that the turning movement overruns the kerb at the access, the applicant is required to enter into a new s278 agreement to provide an adequate width for the site access.

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

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- 10. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:
  - a. Construction vehicle numbers, type, routing;
  - b. Access arrangements to the site;
  - c. Traffic management requirements
  - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e. Siting and details of wheel washing facilities;
  - f. Cleaning of site entrances, site tracks and the adjacent public highway;
  - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h. Provision of sufficient on-site parking prior to commencement of construction activities;
  - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements; k. Phasing Plan.

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).

11. Prior to first operation of the site, the fencing detailed in Section 5 and Figure 5 of "Noise Impact Assessment, The Anchor Inn, Hitchin" Report Reference 50-815-R1-2, dated 5 June 2023 by e3p, shall be implemented and maintained thereafter.

Reason: To protect the residential amenity of existing residents in accordance with Policy D3 of the North Hertfordshire Local Plan.

12. Prior to first occupation of the retail unit, details of plant and acoustic enclosure (if required) shall be submitted to the Local Planning Authority for Approval to demonstrate compliance with the relevant plant noise limit detailed in Section 4.4 of "Noise Impact Assessment, The Anchor Inn, Hitchin" Report Reference 50-815-R1-2, dated 5 June 2023 by e3p.

Reason: To protect the residential amenity of existing residents in accordance with Policy D3 of the North Hertfordshire Local Plan.

13. Prior to completion, the proposed new development shall incorporate a minimum of 4 Electric Vehicle (EV) ready charging points, a minimum of 1 of these shall be dedicated for disabled use. The charging points shall be retained and made available for customer and staff use thereafter.

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. 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 implementation.

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.

15. The development hereby approved shall incorporate the habitat features as shown on drawing No. J230417-GC-L-DR-4-101. Once installed, the habitats 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.

16. 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.

#### **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. 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. 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. 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 action.

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.aspx or by telephoning 0300 1234047.

4. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx or by telephoning 0300 1234047.

5. 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.

6. 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.

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



# NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/01947/FP The Anchor, 84 Cambridge Road, Hitchin, Hertfordshire, SG4 0JH



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# Agenda Item 8

Land at 1-36 Freemans Close, Hitchin, Hertfordshire

Applicant: Ms G Laurie, Settle Group

Proposal: Proposed residential development for 48 dwellings

comprising a block of 30 flats, 14 two storey flats and 4 houses with associated vehicle and cycle parking, open space, access and ancillary works following demolition of existing buildings (as amended by plans and documents

received 10th March and 19th May 2023.)

Ref. No: 22/02628/FP

Officer: Naomi Reynard

### Date of expiry of statutory period:

15th April 2024

# Reason for Delay

Ongoing negotiations, viability assessment and finalising of an appropriate legal agreement to secure planning obligations (Unilateral Undertaking).

#### **Reason for Referral to Committee**

# 1.0 Relevant History

09/00134/1: Phased regeneration of land comprising: John Barker Place: Relocation of basketball facilities and construction of new community and youth centres following demolition of existing shops and flats in John Barker Place and construction of new shops comprising one Class A1 (shop) unit and one Class A5 (takeaway) unit on alternative site in John Barker Place with 10 two-bedroom flats above existing community centre and car park: provision of social housing consisting 15 two and three-bedroom houses together with associated landscaping and parking following demolition of existing community centre. Freemans Close: replacement of existing flats with 28 one-bedroom flats, 6 two-bedroom and 11 three-bedroom houses as social housing for North Herts Homes following the demolition of nos. 1-36 Freemans Close (inclusive). Withdrawn 03.04.09

09/01423/1: Phased regeneration of land comprising: John Barker Place: Relocation of basketball facilities and construction of new community and youth centres following demolition of existing shops and flats in John Barker Place and construction of new shops comprising one Class A1 (shop) unit and one Class A5 (takeaway) unit on alternative site in John Barker Place with 10 two-bedroom flats above existing community centre and car park: provision of social housing consisting 15 two and three-bedroom houses together

with associated landscaping and parking following demolition of existing community centre Freemans Close: replacement of existing flats with 18 one-bedroom flats, 5 two-bedroom houses, 7 three bedroom houses, 4 two/three bedroom houses as social housing for North Herts Homes following the demolition of nos 1-36 Freemans Close (inclusive). Withdrawn 21.03.14

13/03021/1: Demolition of existing shops, flats and garages and redevelopment of site with housing retail and community facilities comprising: 15 x two-bed houses, 24 flats (22 x two-bed and 2 x one-bed flats), supermarket (Class A1) and takeaway (Class A5) on ground floor of flat block; associated landscaping, parking and new play area. Provision of new pedestrian crossing and visitor parking on John Barker Place. (as amended by plan nos. 11015 wd2.01 (Rev P1), 02 (Rev P1), 04 (Rev P1), 05 (Rev P1), 11 (Rev P1), 13 (Rev P1) received 4/2/13). Granted Conditional Permission 13.02.15

19/01748/FP: Installation of a new Children's Play Area including play equipment bonded rubber mulch safety surfacing, site furniture, 1m high galvanised steel boundary fencing and access pathway from Swinburne Avenue. Granted Conditional Permission 30.01.2020

19/01416/HYA: Development A - Full planning application comprising: Phase 1 - construction of a five storey block containing 37 x one bedroom apartments (affordable retirement living tenure), ground floor supermarket (Class A1) and hot food takeaway unit (Class A5) and Phase 2 - construction of two x four storey residential apartment blocks containing 24 x one bedroom apartments (affordable rent and affordable living tenure) and 6 x one bedroom and 16 x two bedroom apartments (open market housing) together with associated vehicular and pedestrian access, car parking, landscaping and ancillary works, following demolition of existing buildings.

Development B - Outline planning application comprising: Phase 3 - the erection of 32 x one and two bedroom apartments and 14 x three bedroom houses (open market housing) following demolition of existing buildings. Matters of appearance, landscaping, and scale are reserved. Granted Conditional Permission 09.06.2020

22/00342/PRE - Pre-application enquiry in relation to Phase 3 development on this site. Response provided.

#### 2.0 Policies

# 2.1 **Supplementary Planning Documents**

Design SPD
Developer Contributions SPD
Vehicle Parking Provision at New Development SPD

# 2.2 National Planning Policy Framework

Section 2: Achieving sustainable development Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed and beautiful places

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

Section 15: Conserving and enhancing the natural environment

### 2.3 North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission

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, landscape and biodiversity

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy HS2: Affordable Housing

Policy HS3: Housing Mix

Policy HS4: Supported, sheltered and older persons housing

Policy HS5: Accessible and adaptable housing

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy NE1: Strategic green infrastructure

Policy NE2: Landscape

Policy NE4: Biodiversity and geological sites

Policy NE5: Protecting open space

Policy NE6: New and improved open space

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems Policy NE9: Water quality and environments

Policy NE10: Water conservation and wastewater infrastructure

## 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.

# 2.6 NHDC Annual Monitoring Report 2021-2022

NHDC Housing Delivery Test Action Plan February 2020 - February 2021

# 3.0 Representations

# 3.1 Highways, Hertfordshire County Council:

Initially Highways recommended that permission be refused. Following reconsultation on amended refuse vehicle tracking plan and the applicant's transport consultant's response to the Highway Authority's comments, the Highways Authority made comments and included recommended conditions. The first paragraph of their comments is copied below, which sets out their revised position:

"The Highway Authority has had ongoing discussions with the planning case officer about this proposed development. There remain some matters which are unclear and would usually result in a recommendation of refusal. However, the Highway Authority understands from the LPA that this development is linked with the previous wider hybrid consent (19/01416/HYA), and as such pragmatically suggest the conditions and informatives at the end of this report. Nevertheless, it should be stressed that the hybrid planning application was submitted and approved in a different planning era. We are now in an urgent climate crisis, with numerous new planning policies and guidance that is attempting to respond to this."

The Highways Authority sought a sustainable transport contribution towards Packages 7 and 9 of their North Central Growth & Transport Plan and said that in particular scheme SM53 would seem justified (improved pedestrian and cycle infrastructure along Bedford Road).

## 3.2 Herts Ecology, LEADS, Herts County Council

Initially Herts Ecology raised objections. Following re consultation on receipt of further information they provided comments which concluded that they had sufficient information on European Protected Species (bats) and recommended we condition non licensable bat mitigation measures. And that the application will result in a biodiversity net gain and recommended that recommend a condition to secure a Biodiversity Net Gain Plan.

#### 3.3 Herts and Middx Wildlife Trust

Confirmed that the metric is acceptable. To secure the stated biodiversity net gain, recommended a condition requiring a biodiversity net gain management plan (BNGMP) and recommended a condition requiring provision of swift boxes.

#### 3.4 Lead Local Flood Authority

Initially the LLFA objected to the application. Following receipt of an updated Flood Risk Assessment and Surface Water Drainage Strategy and two subsequent Technical Drainage Notes the LLFA have confirmed that they have no objection subject to conditions being attached to any consent if this application is approved.

### 3.5 Waste and Recycling Services

Recommended condition requiring a scheme setting out details of all on-site household refuse and recycling storage and collection facilities and the standard informative. A refuse tracking (swept path analysis) plan was submitted, and the Waste and Recycling Team have confirmed that the tracking for this vehicle is now correct and as such waste have no further concerns.

# 3.6 Environmental Health (Noise)

No objections to the proposed development on grounds of noise/nuisance. Recommended conditions restricting hours of work for noisy construction and requiring a Construction Management Plan.

# 3.7 Environmental Health (Contaminated Land)

No objections and recommended a condition.

# 3.8 Environmental Health (Air Quality)

No objection to the proposal in terms of local air quality. Recommended conditions securing Demolition and Construction Management Plan, Travel Plan and EV recharging infrastructure.

# 3.9 The Water Officer, Hertfordshire County Council

Recommended a condition for the provision and installation of fire hydrant(s) at no cost to the county council, or fire and rescue service.

# 3.10 HCC Minerals and Waste Team

Recommended condition requiring Site Waste Management Plan.

# 3.11 Affinity Water

Confirmed no comments to make.

# 3.12 Anglian Water

Recommended informatives in relation to assets affected and used water network.

# 3.13 Housing Supply Officer

Made the following comments. Require at least 40% affordable housing (19 dwellings). Within the overall affordable housing requirement, the Council has a 65% rented/ 35% other intermediate affordable housing tenure mix. Set out the tenure mix

which would best meet housing needs, as identified in the 2016 SHMA. Provided comments on the housing need, replacement of affordable housing, the wider benefits of the redevelopment at John Barker Place. Provided advice regarding rents to ensure affordability. Stated that the affordable housing should be physically indistinguishable from any market housing, the affordable units are required to meet the nationally described housing space standards and provided advice with regards to parking provision.

# 3.14 HCC Growth and Infrastructure Team, Hertfordshire County Council

Initially sought contributions towards primary education, secondary education, special educational needs and disabilities, youth service, waste service and monitoring fees. Due to viability challenges (discussed below) North Herts have made £45,532 of S106 financial contributions available to the County Council. HCC have confirmed that this pot of S106 monies has been apportioned as set out in the table in paragraph 4.3.104 towards Education Provision, Youth Service, Waste Service and Highway improvements/sustainable transport contribution plus the monitoring fee has been maintained. Request that viability review mechanisms are included within the S106 legal agreement and that if there is any future value in the scheme then how that is apportioned and on which projects is agreed by both North Herts and the County Council together.

# 3.15 NHS East and North Hertfordshire Clinical Commissioning Group

No comments received.

# 3.16 Service Manager, Greenspace, North Herts Council

Made comments which are summarised as follows:

- No offsite BNG but would be relatively easy to introduce more on site.
- Note the development is to be delivered by Settle who organise the management of their open spaces themselves.
- No comments about the landscaping but couldn't see any provision for play value. There is a deficiency of play provision at this location generally and therefore an off-site contribution could be considered, such as at Swinburne recreation ground.
- Suggested an offsite contribution towards allotments might be a consideration.

#### 3.17 **Neighbours and local residents**

At the time of writing the report, representations have been received from 9 members of the public, including one from the North East Herts Swift Group. The running total as well as the representations made in full, are available to view on the Council's website. The objections and issues they raised are summarised as follows.

### Traffic, parking and highway safety

- Freemans Close is narrower than shown, it is no more than a single lane, and
  insufficient room is being allowed for the significant increase in use. It will
  not be possible for there to be access to Freemans Close for two vehicles
  side by side, as depicted by the digital representation.
- Insufficient number of parking spaces, given that this is a largely private development. Will exacerbate existing parking issues in the area.
- Exacerbate existing highway safety issues.
- No mitigation seems to have been made of the significant increase in traffic (and construction traffic) on the junction of Westmill Road and Freemans Close.
- Disruption to local area during construction increased traffic, noise, disruption to current ways of access etc. Need a full assessment and mitigation measures proposed.
- Transport assessment out of date bus service has recently been cut back and walking times shown not achievable for all.
- Would wish to see investment in a frequent, reliable bus service.
- The parking survey (October 2019) as outlined within the Transport Statement does not accurately reflect the current situation. An additional parking survey should be undertaken, such that it reflects the current status and reviews against the effects of the Phase 1 and Phase 2 developments. Parking survey doesn't give a clear link to the number of spaces required specifically for Phase 3.
- Insufficient parking provision, particularly given the poor local bus service.
   The actual number of parking spaces proposed will be less than the capacity of the current road
- The proposed parking spaces are too small, as cars have become larger over time and many people have commercial vehicles for their jobs.

#### Design

- Density too high.
- Gateway homes are too large for the plots and would be overbearing as set forward from the existing buildings.
- Brick colour of the gateway homes are not in keeping with the existing houses on either side and should be in the 'alternate' brown/yellow brick.
- Loss of light to neighbouring properties, as a result of the gateway homes.
- Query regarding access to side gate of adjacent property.

# **Housing Mix**

- Proposed housing mix does not meet current demand for family housing and current proposed housing mix will adversely affect the dynamic of the community.
- Too many flats, not houses.

### Energy

- Lack of alternative energy provision, particularly as development will involve taking away large, grassed areas and many trees.
- Solar Photovoltaic cells should be installed onto the roofs of all the buildings.

#### Wildlife

- A more robust survey required of the existing wildlife on and around the site.
- Loss of established, mature trees and the biodiversity they support.
- Hedges and wildflower meadow with pond need to be managed sensitively.
- Queries regarding planting scheme and lighting for the pond area, requested fencing includes sufficient hedgehog access holes and requested consider swift bricks.

#### Other issues

- Exacerbate existing issues with barely adequate refuse collection.
- Insufficient school places at local schools.
- Concerns that the small green area to rear of 43 Westmill Road could attract anti-social behaviour.
- Object to keeping the existing alleyway connecting the Crescent to Freemans Close. Will exacerbate existing anti-social behaviour in that alleyway. Request close off alleyway to remain accessible for existing dwellings on The Crescent only.
- Query regarding 'consented massing' on plans.
- Should ensure that the tenants are not paying more money in rent and service charges for a smaller property compared to their property that will be demolished.
- Questioned why two adjoining blocks of flats need two names.
- Requested put showers over the bath.
- Query regarding where the existing residents will be rehoused.

A representation was received from North East Herts Swift Group. The comments they made are summarised below:

- As new development should show BNG, recommended a condition to secure approx. 25 swift bricks and 25 bat boxes.
- This area of Hitchin already has a colony of swifts and it would be really beneficial to give additional net sites to try and help supplement this colony.

Re-consultation was carried out in February 2023 following publication of the viability information. We re-consulted residents on or immediately adjacent to the site and/or who had made representations on the application. At the time of writing the report, a representation was received from one local resident raising the following concerns:

 Missed opportunity of using Solar Photovoltaic cells for energy generation on all buildings.

- The mix of housing which does not represent the market demands as detailed in the "NHC Housing Supply Officer Housing Services" document dated 10th November 2022.
- The overall inadequate number of spaces for parking provision; have not been improved.
- Just 1-in-10 ratio for unallocated visitor parking spaces with EV points will not provide sufficient future proofing.

# 4.0 Planning Considerations

# 4.1 Site and Surroundings

- 4.1.1 The site comprises of approximately 0.87 hectares of land sited within Westmill housing estate located on the northwest side of Hitchin.
- 4.1.2 Freemans Close is a residential cul-de-sac of terraces comprising 36 flats around green space accessed off Westmill Road. The southern boundary of the site adjoins The Crescent, and the northern boundary abuts Phase 2 of the John Barker Place redevelopment (approved under ref. 19/01416/HYA), which comprises of two four storey apartment blocks which are under construction. To the northeast of the site is Kingfisher House, Phase 1 of the John Barker Place redevelopment, which comprises a five-storey apartment block with supermarket and hot food takeaway unit on the ground floor. The eastern part of the site and access is bounded by properties in Westmill Road. The area to the north of Phase 2 of the John Barker Place redevelopment is characterised by three and four storey flatted development along John Barker Place with the area to the west, south and east of the site being dominated by two storey housing.

# 4.2 **Proposal**

4.2.1 This is Phase 3 of the John Barker Place redevelopment. It would involve the replacement of all the flats in Freemans Close with residential development for 48 dwellings comprising a block of 30 flats, 14 two storey flats (maisonettes) and 4 houses. The residential development would include the following:

30 x 1 and 2 bed flats in one apartment block comprising of:

- 15 x 1 bed 2 person flats,
- 2 x 2 bed 3 person flats.
- 13 x 2 bed 4 person flats.

14 x 1 and 2 bed flats in two storey buildings comprising of:

- 8 x 1 bed 2 person flats,
- 3 x 2 bed 3 person flats,
- 3 x 2 bed 4 person flats.
- 4 x 4 bedroom two storey houses.
- 4.2.2 This phase of the development will also feature landscaping, including a central area of open space including a Local Area for Play. The existing vehicular access off Westmill

Road would be retained. There would be two vehicular accesses connecting the site to Phase 2 and John Barker Place beyond. The existing pedestrian access to The Crescent would be retained. 73 parking spaces would be provided on Phase 3, including 9 disabled spaces and cycle parking would be provided.

- 4.2.3 In addition to the plans the application is supported by the following documents (some of which have been amended and reissued during the course of the application).
  - Design and Access Statement (DAS)
  - Biodiversity Impact Assessment
  - Energy Statement
  - Over Heating Assessment
  - Planting Schedule
  - Hard Material Schedule
  - Landscape Maintenance and Management Plan
  - Arboricultural Impact Assessment
  - Arboricultural Method Statement
  - Flood Risk Assessment and Surface Water Drainage Strategy
  - Technical Drainage Notes
  - Phase I and II Geo-Environmental Assessment
  - Transport Statement
  - Potential Bat Roost Assessment and Bat Search Results
  - S106 Response
  - Viability Report and further viability information

# 4.3 **Key Issues**

- 4.3.1 The key issues for consideration of this full planning application are as follows:
  - Planning history
  - Policy background and the principle of development
  - The delivery of affordable housing and housing mix
  - Impact on the character and appearance of the area
  - Impact on the living conditions of existing and future residents
  - Impact on the highway network, access, and parking
  - Environmental considerations
  - Environmental mitigation and climate change mitigations
  - Whether the development would represent a sustainable form of development
  - Planning obligations

#### **Planning history**

4.3.2 This site has been subject to a previous hybrid application (19/01416/HYA - Land At 25-35 John Baker Place And 1-36 Freemans Close), which was a full application for Phases 1 and 2 and an outline application for Phase 3 (matters of appearance, landscaping and scale are reserved, but means of layout and access were agreed). Planning permission was granted in June 2020. The full description of development is copied below:

"Development A - Full planning application comprising: Phase 1 - construction of a five storey block containing 37 x one bedroom apartments (affordable retirement living tenure), ground floor supermarket (Class A1) and hot food takeaway unit (Class A5) and Phase - 2 construction of two x four storey residential apartment blocks containing  $24 \times 10^{-5} = 10^{-5} \times 10^{-5}$ 

Development B - Outline planning application comprising: Phase 3 - the erection of 32 x one and two bedroom apartments and 14 x three bedroom houses (open market housing) following demolition of existing buildings. Matters of appearance, landscaping, and scale are reserved."

- 4.3.3 The description of the current full planning application (ref. 22/02628/FP Land At 1-36 Freemans Close) is as follows:
  - "Proposed residential development for 48 dwellings comprising 30 apartments, 14 two storey flats and 4 houses with associated vehicle and cycle parking, open space, access and ancillary works following demolition of existing buildings."
- 4.3.4 Layout and access were approved under the outline application. All other matters appearance, landscaping, and scale) were reserved and would need to be subject to a Reserved Matters application. The applicants could have submitted a Reserved Matters application just covering appearance, landscaping, and scale. However, as they proposed changes to the layout (including changes to the siting of the Gateway houses) and they also proposed an uplift in the number of units from 46 to 48 and change to the housing mix on Phase 3, they needed to submit a new full planning application. This current application (ref. 22/02628/FP) is a full planning application and considers all matters, including layout, access, appearance, landscaping, and scale.
- 4.3.5 The outline application was extant at the time of submission of this current application. The applicant did not make a Reserved Matters application for this site within three years of the grant of outline application for Phase 3, as part of the hybrid application ref. 19/01416/HYA, and therefore this fallback position has fallen away. However, the fact that an outline application for a scheme with a very similar layout and access was approved in June 2020 is a material consideration in the determination of the application, which holds some weight in the decision-making process.
- 4.3.6 The access proposed as part of this current application is the same as that approved as part of the outline permission for this site which formed part of the hybrid application. The key differences between the approved layout and the amended scheme are as follows:
  - The layout, siting and size of the Gateway houses have changed. (The ground floor site layout plan shows the outline of the approved Gateway homes with a dashed line compared with that proposed with a solid line.)
  - Change to the housing mix, which has resulted in an uplift in the proposed number of homes from 46 to 48.
  - The apartment block would be approx. 4m wider than on the outline application, so approx.
     2m closer to the existing properties in Mattocke Road and Westmill Road.

- There have been changes to the layout and position of the two storey buildings along the southern boundary, and now there are 2 houses and 14 flats provided in two storey blocks, rather than 12 houses.
- Only the central space is labelled as a children's play area. The small area to the rear of 43 Westmill is proposed to be an informal open space.
- Changes have been made to the landscaping, for example a hedge is proposed in front of the flats and houses along the southern boundary.

#### **Principle of development**

- 4.3.7 The application site is located within the urban area of Hitchin. In the Local Plan the site to the north (Phases 1 and 2 of the John Barker Place redevelopment) is identified as the Westmill (John Barker Place) Neighbourhood Centre, but Freemans Close is outside of this area. As such, there is no objection in principle to residential development on this site.
- 4.3.8 In the past few years, the Council has consistently supported the regeneration of John Barker Place and this has seen the delivery of a new Community Centre and re-provided Multi-Use Games Area nearby and as set out above, the hybrid application ref. 19/01416/HYA granted full planning permission for Phase 1 comprising an apartment block (affordable retirement living tenure) with supermarket and hot food takeaway unit on the ground floor and Phase 2 comprising two x four storey residential apartment blocks containing a mix of affordable rent and affordable living tenure and open market housing apartments, as well as outline permission on Phase 3 for a very similar scheme to that proposed of market housing (with 40% affordable housing).
- 4.3.9 The current proposals for Freemans Close would involve the replacement of 36 units with 48, representing an uplift of 12 units. This does represent a more efficient use of the land. It is considered that the proposed development is consistent with planning policy for the area.
- 4.3.10 Paragraph 76 of the revised NPPF confirms that from 20<sup>th</sup> December 2023, the Council is not required to identify and update annually a 5-year supply of deliverable housing sites because the adopted local plan is less than five years old and identified at least a five-year supply at the time the examination concluded. However, this only applies to applications received after that date. The Council published updated Housing Delivery Test results for 2021 in January 2022 and achieved a HDT measurement of 125%. The NPPF confirms that delivery below 85% of the housing requirement would constitute poor delivery. Therefore, housing delivery has not been poor. However, regarding housing land supply, as this application was received before December 2023 the NPPF Paragraph 76 exemption does not apply to this application. As such in this case the tilted balance set out at paragraph 11d) of the NPPF should be applied in this case. This will be discussed at the end of this report.

#### The delivery of affordable housing and housing mix

4.3.11 The Design & Access Statement (DAS) states that the existing 36 homes in Freemans Close "...are occupied by tenants with the following arrangements: 9 flats are on secured tenancy and will be decanted to the new development's second phase. The remaining 27 flats are temporary lets to the local authorities."

- 4.3.12 The DAS states that the proposal is for 48 dwellings of which 40% would be affordable housing. This is an application for market housing and therefore we need to secure 40% affordable housing. The agent has confirmed that it is likely that Phase 3 of the John Barker Place redevelopment will deliver 100% affordable housing in due course. This is of course welcomed, but there is no policy justification to require the site is 100% affordable housing, and this likelihood cannot and will not be secured by this planning application. This application must be determined on the basis of 40% affordable housing and 60% open market housing. No additional positive weight should be awarded for any affordable housing above that secured by the application.
- 4.3.13 Local Plan Policy HS2: Affordable Housing requires that the target percentage of dwellings to be affordable on sites of 25 or more dwellings is 40%. The policy sets out that the Council's expectation that the size, type and tenure of any affordable housing meets the Council's expectation that 65% of the affordable housing will be rented and 35% other forms of affordable housing; the housing needs of the area including needs identified by relevant local authority housing register data, Neighbourhood Plans and any settlement- or parish-level surveys or assessments; and the requirements of Policy HS3 and will contribute to an appropriate mix of housing across the site as a whole.
- 4.3.14 In their report on the hybrid application (19/01416/HY) the case officer made the following comments with regards to affordable housing:
  - "Previous proposals for the redevelopment of John Barker Place have been largely dominated by provision of affordable housing comprising a range of tenures and household sizes. The proposed scheme is also a primarily affordable housing scheme when considering that a significant part of Phases 1 and 2 would secure the re-provision of existing affordable accommodation at Freemans Close and nearby Westmill Lawns. Whilst part of Phase 2 and Phase 3 propose open market accommodation, the Council will expect 40% of these as affordable units to achieve a policy compliant level of affordable housing consistent with emerging local plan Policy HS2. A condition is recommended to ensure the open market element of the scheme, including phase 3, delivers affordable housing in line with the local plan."
- 4.3.15 In this current application the proposal is for 40% (19) of the 48 homes to be affordable housing. This would be in line with Local Plan Policy HS2. A condition is recommended to secure this by requiring an affordable housing scheme to be submitted and approved by the Local Planning Authority. The Housing Supply Officer, North Herts Council, has provided detailed comments as to the housing mix, we would require to meet the identified local need. The proposed development could not meet this mix, as it would provide more 2 bed homes than larger homes. However, the Housing Supply Officer also commented that:

"There is high housing need for two bed family houses, across the district, particularly for rent. Under application 13/00964/1DOC which refers to Discharge of Condition 3 of planning permission 12/01271/1; the applicant agreed to provide 4 x 2 bedroom houses on the John Barker Place development, in lieu of the affordable housing provision at St Andrews House, Hitchin.

There is growing need/ demand for wheelchair accessible houses for rent for families with an adult or child with disabilities and/ or limited mobility. The 4 x four bedroom wheelchair accessible houses will help meet some of this need.

The development is phase 3 of the wider redevelopment of John Barker Place. Residents from Freemans Close are due to be accommodated within phase 2 of the redevelopment and phase 3 will provide accommodation for decanted tenants from phases 4 and 5. The provision of 4 x four bedroom wheelchair accessible housing will meet a greater need and is acceptable as Discharge of the Condition."

- 4.3.16 A condition to secure the 4 houses as affordable housing in addition to the 40% in order to satisfy the requirements of Condition 3 of planning permission 12/01271/1 was considered. However, we have taken the view that we will not recommend this condition particularly given the affordable housing provided already as part of Phases 1 and 2 of the John Barker Place re-development, albeit flats not houses. On reflection, we do not consider that such a condition would meet the tests set out in Paragraph 55 for the NPPF. Indeed, no such condition was imposed on the hybrid application.
- 4.3.17 The Housing Supply Officer commented that where existing affordable housing is to be demolished, the Council would normally expect that dwellings will be replaced on a one-for-one basis with the targets of Policy HS2 applied to any net additional units. However, the Design and Access Statement has confirmed that only 9 flats are on secured tenancy and will be decanted to the new development's second phase. Therefore, it is considered acceptable that the targets of Policy HS2 have been met already though the development already approved and that dwellings do not need to be replaced on a one-for-one basis in this case.
- 4.3.18 Local Plan policy HS3 ('Housing Mix') reads as follows:

"Planning permission for new homes will be granted provided that:

- a) An appropriate range of house types and sizes are provided taking into account:
- i. the overall targets of this plan;
- ii. the findings of the most up-to-date evidence including the most recent Strategic Housing Market Assessment, the Council's Self-Build Register and other relevant evidence of housing need;
- iii. the location and accessibility of the site; and
- iv. recent completions, existing permissions and sites in the five year supply; and
- b) The scheme would provide a density, scale and character of development appropriate to its location and surroundings."
- 4.3.19 The supporting text states: "On most suburban and edge-of-settlement sites, applicants should therefore make an initial assumption of 60% larger (3+ bed) and 40% smaller (1 or 2 bed) homes to ensure an overall mix is achieved."
- 4.3.20 It is acknowledged that Policy HS3 seeks a target of 60% larger (3+ bed) and 40 % smaller (1 or 2 bed) homes to ensure an overall mix is achieved. The current proposed scheme would provide 8% larger and 92% smaller units. (The approved layout on the hybrid application had 30% larger and 70% smaller units). This clearly does not meet the housing mix target in Policy HS3. The policy does allow flexibility of housing mix considering the location of the site and prevailing density. The local affordable housing need, which is for smaller units, is also a key consideration. Also, 5 of the 2 bed flats would be 3 person flats

and 16 of the 2 bed flats would be 4 person flats. The Design and Access Statement discusses the schedule of accommodation as follows:

"Following ongoing research and consultation, Settle have established the housing need. This has led to a change in the mix from the outline consent, which has resulted in an uplift on the proposed number of homes from 46 to 48. This is achieved by swapping 3 bed homes for 1 and 2 bed homes, allowing us to meet the housing demand. This demand is driven by the need for some of the proposed units and will allow for the decant of existing residents at John Barker Place."

- 4.3.21 On balance, in this instance it is considered acceptable that the target housing mix in the supporting text of Policy HS3 is not met, given the local housing need and as the scheme would provide a density, scale and character of development appropriate to its location and surroundings.
- 4.3.22 Phases 1-3 of the John Barker Place redevelopment will secure a significant amount of affordable housing in excess of planning policy requirements when considered as a whole. In addition, the development will enable improved standard of accommodation for existing tenants on the site and those nearby in Westmill Lawns. The Housing Supply Officer commented that:

"The wider benefits of the redevelopment at John Barker Place are better housing stock and more energy efficient, comfortable homes for tenants and residents and improvements to the area in general including the new community centre, play area and facilities benefiting the whole community."

4.3.23 Policy HS5: Accessible and adaptable housing states that:

Planning permission for major residential development will be granted provided that:

- a. applicants demonstrate that at least 50% of homes can be built to the M4(2) Accessible and Adaptable standard; and
- b. on schemes where 10 or more affordable units will be delivered, 10% of these can additionally be built to the M4(3) wheelchair user Standard."
- 4.3.24 The applicants have demonstrated that all the homes can be built to the M4 (2) Accessible and Adaptable standard and 10 of the dwellings (53% of affordable units) would be built to the M4(3) wheelchair user standard.

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

4.3.25 The application site is at the centre of the Westmill estate and the prevailing form of development to the north of the application site is relatively high-density flatted development of between 3 and 4 stories and terraced housing. The new apartment block on Phase 1 is 5-storey, albeit the top floor is recessed. Many of the existing apartment blocks have flat roofs particularly in John Barker Place and at the junction with Westmill Road. The high-density character of the area continues along Bingen Road and into Moss Way where Dugdale Court consists of many three and four storey blocks of flats. The older part of the estate to the south, west and east of the site comprises of two storey terraced housing with good sized gardens.

- 4.3.26 Given the central location within the estate of the application site and the prevailing forms of development described above it is considered that a higher-density development, would not be out of keeping. The proposed apartment block would be 4 storeys as per the apartment blocks on Phase 2. The two-storey development along the southern boundary helps the transition to the two-storey development in The Crescent to the south.
- 4.3.27 The proposed gateway homes would be set forward of the building line in Westmill Road. The front walls of the proposed gateway homes would be in the same position as the front walls of the gateway homes on the layout approved as part of the hybrid application, albeit they would no longer be stepped next to the adjacent properties. Local residents raised concerns about these dwellings being set forward of the building line. It acknowledged these two houses would break the established building line and plot width; however, some defensible space would be retained, and these buildings would act as a gateway to the new development. On balance it is considered that the gateway homes would be acceptable in design in the street scene.
- 4.3.28 Red brickwork is the predominant material used on existing buildings in this higher density part of John Barker Place which then gives way to lighter coloured brickwork and other materials such as render towards the periphery of the centre. The apartment block on Phase 1 is red brickwork and the apartment blocks on Phase 2 are buff brickwork. The proposed apartment building on Phase 3 would be predominantly red brick work with buff brick sections where the wall is set back on the north elevation. The two storey buildings along the southern boundary would be red brick work at ground floor with buff brick work at first floor level, except the houses which would be only buff brick. The gateway homes were originally proposed to be red brickwork with buff brickwork detailing. However, following negotiation, plans have been received showing that they will be predominantly buff brickwork so that they will appear less prominent in the street scene, as the houses either side are buff brick. The use of brickwork as the main external material is consistent with the widespread use of brick work in this part of the estate and is a material known for its longevity, superior weathering characteristics and low maintenance. It is considered that the proposed materials would be acceptable, nevertheless a condition is proposed requiring samples/details of materials to be submitted and approved. Also, a tree protection condition is recommended to protect trees to be retained on and adjacent to the site during construction.
- 4.3.29 There are several key areas of public realm throughout this development. A central open space is proposed including a Local Area of Play. A small, landscaped seating area is proposed in the southeast corner of the site to the rear of 41 Westmill Road. Hedges are proposed to separate the car parking from the two storey properties along the southern boundary. Small green areas, trees and shrubs are proposed throughout the development to soften the hard landscaping for the parking and access roads. Some existing trees would need to be removed, including two trees near the entrance with Westmill Road. However, it is considered that these trees are not worthy of protection by a Tree Preservation and would have made the gardens of the gateway homes difficult to use. The proposal would involve the loss of a large central green however, the proposed development would have a central green with Local Area for Play, which should be more attractive to use. Notwithstanding the landscape proposals submitted a landscape condition has been recommended requiring details of soft and hard landscaping and boundary treatment to be submitted and approved. Also, a tree protection condition is

- recommended to protect trees to be retained on and adjacent to the site during construction.
- 4.3.30 The whole of the site is permeable and well-integrated with adjoining roads in the estate with the pedestrian access points on Westmill Road and Mattocke Road, a footway link maintained to The Crescent in addition to the two access points onto John Barker Place. It was proposed that the pedestrian access to the south of the development on Phase 1 connecting Phase 2 with Mattocke Road would be retained. However, this has been blocked off by a fence and gate, which was erected under 'Permitted Development'. An existing pedestrian access from the southwest corner of Freemans Close to The Crescent would not be retained for public access. Whilst the objections from local residents to the retention of the other footpath connecting the site to The Crescent are noted. Given that two of the existing accesses are going to be closed off as part of the re-development it is considered important to maintain this pedestrian access, particularly as it connects the site to the school. The access has been widened within the application site and a condition is proposed that details of lighting be submitted and approved in writing by the Local Planning Authority, as it is thought that motion sensitive lighting could improve this path. Although it is acknowledged that much of it is not within the application site.
- 4.3.31 The proposed development is without question of significant scale and density however by and large this is reflective of the surrounding pattern of development and commensurate with the site's location at the centre of the estate close to the community centre and school, shop and take away. The development will establish a strong sense of place, has the potential to function well with its permeable layout and will add to the overall quality of the area in the longer term.
- 4.3.32 At four storeys in height the main apartment building would be visible from long distance views from footpaths in the open countryside to the west. However, it would read against the existing five-storey building and would be fairly well screened by vegetation from medium distance views. As such it is considered appropriate in its context.
- 4.3.33 In view of all the above it is considered that the development would not be harmful to the character and appearance of the area.

# Impact on the living conditions of existing and future residents

- 4.3.34 Whilst the siting of the main apartment block would affect the outlook from the nearest properties in Westmill Road and Mattocke Road the distances are such that residential amenity is unlikely to be affected. The side wall of the apartment block would be approx. 2m closer to the properties in Westmill Road and Mattocke Road than the layout approved under the hybrid application (16/01416/HYA). However, it is considered that it would be acceptable given the distance between the buildings and that it would not be unduly dominant in the outlook they currently enjoy. There would be windows in the side elevations of the apartment block, however given the distances between the buildings which would be separated by the access road and parking spaces, it is considered that it would not result in a material loss of privacy.
- 4.3.35 The two storey buildings for the flats along the southern part of the boundary would have fairly shallow rear gardens, the minimum depth being approximately 7.5m. They would be slightly closer to the houses in The Crescent that the houses shown on the approved site

layout for the hybrid application (16/01416/HYA). However, the properties in The Crescent have relatively long rear gardens so the minimum distance between the original back wall of the properties in the Crescent and the rear wall of the proposed two storey flats would be just under 25m and this would be acceptable by modern standards. Also, the proposed buildings would only be two storeys in height and the first-floor windows in the rear elevations would serve kitchens and bedrooms rather than living rooms. Therefore, it is considered that the proposed development would not be unduly dominant in the outlook currently enjoyed by the residents in The Crescent or result in a material loss of privacy to the residents of the properties in The Crescent.

- 4.3.36 The concerns raised by local residents with regards to the gateway homes are noted. However, it is considered that they would not result in a material loss of light to 41 and 43 Westmill Road or be unduly dominant in the outlook they currently enjoy or result in a material loss of privacy to these adjacent houses.
- 4.3.37 The agent for the application has confirmed that the accommodation provided would meet the minimum space standards as set out in the Governments published document 'Technical housing standards – nationally described space standard (as amended May 2016) as required by Local Plan Policy D1. The proposed unit sizes are listed on page 38 of the Design and Access Statement. Whist some of the proposed private gardens for the ground floor flats are small, it is considered that they would be acceptable and some of the flats and apartments have a small amount of private outside space by way of a balcony.
- 4.3.38 With regards to open space standards, Policy NE6: New and improved open space sets out the requirements for new open space. The Council use the Fields in Trust Standards as set out in the developer Contributions Supplementary Planning Document.
- 4.3.39 Using the information submitted it would appear that the FiT standards would require approximately 0.57 Ha of open space. The site does not achieve this level of open space, but this would not be reasonable or efficient use of land, as would account for 64% of the site. The FiT standards set out amounts of space which should be dedicated to different open space uses. In my view the site is too small to accommodate most of those on the list. However, it does accommodate amenity green space. The FiT requirement for amenity green space is 0.06 Ha and approx. 0.05 Ha would be provided. The site would accommodate a play area of approx. 0.2 Ha. The FiT standards require 0.03 Ha. Whilst the site falls short of the Fields in Trust standards, the outline permission was granted in June 2020 for the site, and this included this layout, and this is a material consideration that holds weight.
- 4.3.40 Technically to comply with the Fields in Trust Standards, a Locally Equipped Area for Play should be provided on the site and a contribution towards a MUGA is required, however just a Local Area for Play is proposed on the application site. This would appear to be more appropriate in this location. The existing MUGA (Multi Use Games Area) and play area were lost as part of the redevelopment of Phases 1 and 2. The MUGA was replaced adjacent to the community centre and a LEAP was provided at Swinburne Avenue. It was also considered that a planning contribution towards allotments would not be reasonable, given this was not required on the outline hybrid application (16/01416/HYA). Where the requirements of Policy NE6 have not been met we would normally require financial contributions towards the provision of open space. However, given there is a viability issue, off-site open space contributions were not secured as part of the previous hybrid

- application and as the NPPF encourages the redevelopment of brownfield sites, the under provision of open space is considered acceptable in this case.
- 4.3.41 In conclusion, the requirements of Local Plan Policy D3: Protecting living conditions have been met. The requirements of Policy NE6: New and improved open space and the FiT standards have not been met. However, the NPPF encourages the redevelopment of brownfield land, and it was not viable to provide financial contributions for off-site open space. Therefore, the under provision of open space is not considered to be a sustainable reason to withhold planning permission.

#### Impact on the highway network, access and parking

- 4.3.42 The previous hybrid application included an outline application for this site and access and layout were approved as part of that development. As set out above the applicant did not make a Reserved Matters application for this site within three years of the grant of the outline application for Phase 3 as part of the hybrid application ref. 19/01416/HYA and therefore this fallback position has fallen away. However, the fact that an outline scheme with full details of access approved and with a very similar layout and access was approved in June 2020 is a material consideration in the determination of the application, which holds some weight in the decision-making process. The access proposed as part of this current application is the same as that approved as part of the outline permission for this site which formed part of the hybrid application. This planning history has meant that we have adopted a pragmatic approach to assessing the highways matters.
- 4.3.43 The Highways Authority initially raised objections, and recommended that permission be refused for the following reasons:
  - "1) The proposed development does not put the needs of pedestrians, cyclists and public transport users first, and is contrary to paragraphs 110 112 of the NPPF, and HCC's LTP4 policy 1.
  - 2) There is insufficient information on the free and safe flow of residents and visitors and wider public highway users."
- 4.3.44 These comments were sent to the applicant, and they provided a written response and confirmed that none of the highway within the application site would be adopted. The Highway Authority provided the following further comments:
  - "The Highway Authority has had ongoing discussions with the planning case officer about this proposed development. There remain some matters which are unclear and would usually result in a recommendation of refusal. However, the Highway Authority understands from the LPA that this development is linked with the previous wider hybrid consent (19/01416/HYA), and as such pragmatically suggest the conditions and informatives at the end of this report. Nevertheless, it should be stressed that the hybrid planning application was submitted and approved in a different planning era. We are now in an urgent climate crisis, with numerous new planning policies and guidance that is attempting to respond to this.

Of key importance is that the current Freemans Close carriageway and footways are adopted public highway. The proposed site layout plan shows much of this will

be built on by the buildings and outdoor play / landscaped areas. The applicant also continues to show non-standard surface material, such as block paving, throughout the site. The applicant therefore needs to stop up highway rights along Freemans Close to make it private before any development commences but retain the bellmouth of Freemans Close onto Westmill Road as public highway. This element has been conditioned, with further details of the necessary process outlined in highway informative 5.

The applicant has now submitted tracking of a large refuse vehicle in and out of Freemans Close, to/from both directions, and taking into account the roadside parking along Westmill Road. These tracking plans are ok.

The latest internal layout continues to show a lack of pedestrian dropped kerbs and tactile paving. Any resident/visitor using a wheelchair, parents with buggies, those with sight impairment, etc, are poorly accommodated at present. Condition 2 below covers this element.

There remains no details of internal visibility splays and tracking but given the road will become private we leave this to the LPA to consider.

The level of on-site parking remains unclear, with different figures stated in different documents. The LPA should ensure the amount does not represent an overprovision (which would undermine the sustainable/active travel credentials of the site), or an under provision (which might result in an increase in roadside parking levels)."

- 4.3.45 They went on to recommend conditions and informatives which are recommended below (with some changes to the wording of the off-site highways work condition, discussed below).
- 4.3.46 Whilst the Highways Authority's comments are acknowledged, given the planning history a pragmatic and reasonable approach has been adopted and it is considered that there would not be sustainable reasons to withhold planning permission on highways grounds.
- 4.3.47 With regards to the comments about lack of details of internal visibility splays and tracking, the Waste and Recycling Team have raised no objections to the revised tracking plans and a very similar road layout was approved under the previous hybrid application.
- 4.3.48 The application is supported by a Transport Statement. This reviewed the outstanding highways details of the development that have not already been approved at the outline application stage. This primarily relates to the internal road layout, pedestrian and cycle connects within the site, servicing, emergency access and parking provision. The site is currently considered to be highly accessible. There are 4 bus stops within several minutes walk of the site (Swinburne Avenue, Moss Way, Westmill Road and Milestone Road) and there is a continuous network of generally wide footpaths in the area providing routes to several destinations and a range of services including nearby schools, Oughtonhead Common, the Redhill Road neighbourhood centre and Hitchin Town Centre. The topography of the area is generally flat and the roads and pavements well lit. As such the location of the site is conducive to the use of public transport, mobility scooters and cycling as well as generally being a pedestrian friendly environment.

- 4.3.49 The development envisages the re-use of the existing vehicular access point to the east off Westmill Road and two vehicular accesses with Phase 2 of the redevelopment to the north. These would also allow pedestrian and cycle movement. A pedestrian link to the Crescent would be maintained and improved to improve permeability of the site and provide a pedestrian route from the site to the primary school.
- 4.3.50 A realistic waste refuse collection tracking plan has been requested and received. The Highways Authority and Waste and Recycling Team have been consulted and they consider the revised details to be acceptable.
- 4.3.51 A condition has recommended by the Highways Authority that requires the submission of additional plans to the Local Planning Authority which show the detailed design and construction of upgrades to the bus stop along Westmill Road (outside the application red line). The condition reads as follows:

"Before occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed design and construction of upgrades to the bus stop along Westmill Road (120 metres south of Freemans Close). The upgrade shall include build out of the kerbline to the Westmill Road carriageway edge (i.e. removal of the layby) and raised Kassel kerbing. Before first occupation of any part of the development, this work shall be completed to the satisfaction of the Local Planning Authority.

Reason: So that all users of the development can conveniently and sustainably access the nearest bus stop, in compliance with paragraphs 110-112 of the NPPF, and in the interest of sustainable/active/accessible travel for all users."

It is not considered that this recommended condition is enforceable, and therefore does not meet the relevant tests set out in paragraph 55 of the NPPF. As such the Local Planning Authority have recommended separate conditions for the on-site and off-site works. The developer can be required to submit a highways works/access plan to cover on-site works. However, the Grampian condition relating to off-site works has been worded to ensure that the developer delivers the off-site works prior to occupation. These off-site works would also be secured by a S278 Agreement, and this is highlighted in a recommended informative. The recommended condition and informative read as follows:

#### "Condition 7

No dwelling forming part of the development shall be occupied until the bus stop along Westmill Road (120 metres south of Freemans Close) has been upgraded. The upgrade shall include build out of the kerbline to the Westmill Road carriageway edge (i.e. removal of the layby) and raised Kassel kerbing. Before first occupation of any part of the development, this work shall be completed to the satisfaction of the Local Planning Authority.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 110 - 112 of the NPPF. and in accordance with Policy T1 of the North Hertfordshire Local Plan (2011-2031)."

#### Informative

The off-site highways works referred to in condition 7 above shall include:

The upgrading of the bus stop along Westmill Road (120 metres south of Freemans Close). The upgrade shall include build out of the kerbline to the Westmill Road carriageway edge (i.e. removal of the layby) and raised Kassel kerbing.

The details of these off-site highways works need to be completed in accordance with an approved S278 Agreement with the Highway Authority, prior to the occupation of any dwelling forming part of the development."

As such it is considered that the proposed access would be acceptable, subject to the recommended conditions.

#### Construction Traffic Management

4.3.52 A Construction Traffic Management Plan is required by a planning condition and will be agreed in consultation with the Highway Authority.

# **Parking**

4.3.53 The sustainable location of the site allows for a reduction in parking demand in accordance with the SPD guidance. The agent for the application provided the following clarification regarding car parking:

"Paragraph 5.4 of the RMTS states that parking has been spread across the site holistically given parking spaces across phases 1-3 are provided as unallocated. The standards set out within NHDC's Vehicle Parking at New Development SPD' (September 2011) state a requirement for 202-279 although it was previously agreed as part of the hybrid planning application that a reduction based on the site's accessibility would be appropriate equating to 101-140 spaces required. The 123 spaces referenced in the RMTS would serve the entire site, is in accordance with the local guidance and was previously agreed as part of the hybrid planning application and is therefore considered to be acceptable on this basis. Cycle parking provision has been provided in accordance with NHDC's standard."

4.3.54 The agent has confirmed that:

"Parking has been allocated across all three phases rather than by a block by block basis."

4.3.55 However, given that this is a standalone full planning application we need to consider the parking proposed on the application site. The proposed development would provide 76 spaces. Using the minimum standards in the Supplementary Planning Document: Vehicle Parking at New Development the proposed development should provide 85 spaces (23)

for the 1 bed units, 50 for the 2+ units and 12 visitor parking spaces). Taking into account the relatively low levels of car ownership in the Hitchin Oughton ward together with the capacity of the existing highway to accommodate on-street parking, it is considered that the on-site car parking provision is appropriate for this development.

4.3.56 A car club space is shown on the plans. However, this is not considered necessary to render the application acceptable given that this site is fairly accessible. As such the car club space has not been secured by condition or the legal agreement.

# Cycle parking

4.3.57 The minimum cycle parking standards set out in the Supplementary Planning Document: Vehicle Parking at New Development states 1 secure covered space per dwelling. None if garage or secure area provided within curtilage of dwelling. And in terms of visitor/unallocated if no garage or secure area is provided within curtilage of dwelling then 1 covered and secure space per dwelling in a communal area for residents plus 1 space per dwelling for visitors. As such it is calculated that they need to provide 37 secure spaces for residents (as 11 properties have private gardens) and 48 secure spaces for visitors, which equates to 85 secure spaces in total. In fact, the cycle strategy within the Design and Access Statement demonstrates that they would provide 98 secure cycle spaces and 32 Sheffield Stands Spaces, so they have provided more than is required, which is welcomed. A condition is recommended that prior to the first occupation of the development hereby permitted a scheme for the parking of cycles (residents and visitors) including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority

# Pedestrian access

- 4.3.58 It is proposed that the existing pedestrian access onto The Crescent is to be retained as part of this scheme. The concerns of the local residents are noted, and it is acknowledged that at the moment this access is not an attractive pedestrian route. However, officers would wish to maintain this access to increase permeability of the site and retain the convenient pedestrian access to the school, away from busier roads. This is particularly the case as the previous pedestrian access between Phase 2 and Mattocke Road, to the south of the apartment block on Phase 1, has been blocked up. The option of reopening this access and closing the one onto the Crescent, was explored with the applicant, however they were not willing to reopen this footpath on the basis of Secured by Design (2023) guidance and resident feedback in support of the closure of the pedestrian footpath. The concerns regarding security and anti-social behaviour in relation to the pedestrian access to The Crescent raised by local residents are acknowledged. Whilst it is outside the red line of the site, there is an opportunity to improve the pedestrian access to the Crescent to improve security and make it a more attractive pedestrian route, for example by adding motion sensitive lighting within the application site facing onto this path. As such a condition has been recommended that a lighting scheme including lighting over this footpath is submitted and approved in writing by the Local Planning Authority prior to first occupation of the development. A condition has also been recommended to secure retention of this pedestrian access.
- 4.3.59 In summary, taking into account the accessible location of the site and the alternative options for transport other than the private car and the sustainable transport contribution and the fact that the Highway Authority are now not recommending refusal (albeit raising

concerns) given the planning history, it is considered that the proposals are acceptable in highway and transport terms. In reaching this conclusion officers are mindful of the advice at Paragraph 111 of the NPPF which states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

#### **Environmental considerations**

# 4.3.60 <u>Drainage and Flooding</u>

Policy NE7 of the ELP, 'Reducing Flood Risk' also states that: "Planning permission for development proposals will be granted provided that: b. a FRA has been prepared in accordance national guidance that considers the lifetime of the development, climate change impacts and safe access and egress".

- 4.3.61 A Drainage Strategy was submitted with the application and the Lead Local Flood Authority (LLFA) were consulted. Following receipt of further information (including an updated Flood Risk Assessment and Surface Water Drainage Strategy and a Technical Drainage Note) the LLFA have confirmed that they have no objection subject to conditions being attached to any consent if this application is approved. These conditions are recommended below.
- 4.3.62 Anglian Water have commented on the application and recommended informatives in relation to assets affected and used water network. Affinity Water have been consulted, but no comments have been received.

#### Ecology

- 4.3.63 The biodiversity impacts arising from the development of the site will also need to be considered.
- 4.3.64 Local Plan Policy NE4 Biodiversity and geological sites states that:

"All development should deliver measurable net gains for biodiversity and geodiversity, contribute to ecological networks and the water environment, and/or restore degraded or isolated habitats where possible. In line with the emerging Environment Bill we would be looking for 10% Biodiversity Net Gain on site and if this cannot be achieved then a \$106 contribution would be required for offsite BNG works."

- 4.3.65 Initially Herts Ecology raised objections. Following re consultation on receipt of further information (including a Preliminary Roost Assessment and Biodiversity Metric spreadsheets) they provided comments which concluded that they had sufficient information on European Protected Species (bats) and recommended we condition non licensable bat mitigation measures. And that the application will result in a biodiversity net gain and recommended that we condition Biodiversity Net Gain Plan.
- 4.3.66 Following receipt of further information regarding bats from the applicant Herts Ecology have confirmed that sufficient information on European Protected Species (bats) has been

received and have recommended a condition in relation to non licensable bat mitigation measures. Herts Ecology have also confirmed that the supplied BNG metric shows that the application will deliver a biodiversity net gain of 10.7 % made up of 0.55 area Biodiversity Units. This has been achieved within the trading rules and will ensure the proposal delivers a net gain to the biodiversity of the site. They have advised that a Net Gain Plan secured by Condition is supplied for consideration by the LPA demonstrating how this will be achieved and maintained and should include a Habitat Management and Monitoring Plan using the DEFRA template.

- 4.3.67 Herts and Middx Wildlife Trust (HMWT) have provided comments and have confirmed that the metric is acceptable. In order to secure the stated biodiversity net gain, recommended a condition requiring a biodiversity net gain management plan (BNGMP) and a condition requiring provision of swift boxes. The North Herts Swift Group also made comments on the application and recommended a condition requiring the provision of swift and bat boxes. This has been recommended below.
- 4.3.68 As set out in Policy NE4, in line with the Environment Bill, we would be seeking 10% BNG on site and if this cannot be achieved then through off-site works. The submitted BNG Assessment provides the following conclusion and recommendations:

"The predicted biodiversity units include creating habitats. The difficulty and time of achieving the biodiversity net gain units vary. Nevertheless, the total unit change is 10.70% Habitat Unit.

A responsible body should be appointed to ensure that the Management and Monitoring Plan is implemented and undertaken by a competent person applying the required methodologies."

- 4.3.69 Given that the applicant has demonstrated that over 10% Biodiversity Net Gain can be achieved on site, a condition has been recommended requiring a Biodiversity Gain and Landscape Plan which details how the ecological units shown in the approved biodiversity metric will be delivered as the part of the development shall be submitted to and approved in writing by the Local Planning Authority.
- 4.3.70 As such, it is considered that the proposal would be acceptable in terms of impact on ecology and biodiversity, subject to the recommended conditions and subject to the issue regarding information relating to bats being resolved.

#### Archaeology

4.3.71 The site is not within an Area of Archaeological Significance and the site has previously been developed, therefore the Historic Environment Team at Herts County Council have not been consulted.

### Land contamination

4.3.72 The Environmental Protection Officer was consulted on the application. They raised no objections and recommended the land contamination condition set out below.

#### Air quality

4.3.73 Paragraph 105 of the NPPF states that:

"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health".

4.3.74 Paragraph 186 of the NPPF (under section 'Ground conditions and pollution') states that:

"Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement".

4.3.75 Local Plan Policy D4: Air Quality states:

"Planning permission will be granted provided that development proposals:

- a) Give consideration to the potential or actual impact on local air quality, both during the demolition/construction phase and as a result of its final occupation and use:
- b) Propose appropriate levels of mitigation to minimise emissions to the atmosphere and their potential effects upon health and the local environment; and c) Carry out air pollution impact assessments, where required, to determine the impact on local air quality of the development."
- 4.3.76 The Council's approach and guidance to matters on air quality is outlined in the 'North Herts Air Quality Planning Guidance (October 2018)' document. The Council's Environmental Protection Officer has reviewed the documents submitted in support of the application and raised no objection to the proposal in terms of local air quality. They recommended conditions securing a demolition and construction management plan, Travel Plan and the provision of one Electric Vehicle (EV) ready domestic charging point per dwelling located either on the property, or dedicated parking spaces associated with each property, plus the provision EV charging for unallocated visitor parking spaces, on a ratio of 1 charge point per 10 spaces. The condition recommended below requires a plan to be submitted and approved showing the EV charging points and is consistent with other recently considered applications.

#### Noise and light

4.3.77 The Environmental Health Officer was consulted on the application and had no objections with regards to noise/nuisance. They recommended conditions to cover hours of work for noisy construction activities and requiring a Construction Management Plan. As mentioned above concerns have been raised by local residents with regards to the safety of the footpath connecting the application site with The Crescent. The footpath is proposed to be widened on the application site itself. Whilst not all the footpath is on the application

site a condition has been recommended that a lighting plan for the whole site be submitted and approved in writing by the Local Planning Authority and this includes the proposed pedestrian footpath connecting the application site with The Crescent. Motion sensitive lighting could be installed on the application site that illuminates at least part of the footpath. As such, there are no objections to the proposal on the grounds of noise or lighting issues and the requirements of Local Plan Policy D3: Protecting living conditions have been met.

4.3.78 In summary it is considered that the development will achieve acceptable living conditions for existing and prospective residents.

# Waste and Recycling Management

- 4.3.79 The Waste and Recycling Team recommended a pre-occupation condition requiring a scheme setting out details of all on-site household refuse and recycling storage and collection facilities to serve each dwelling to be submitted to and been approved in writing by the Local Planning Authority. A refuse strategy has been provided within the Design and Access Statement, but it does not show the waste collection point for the apartment block. The Waste and Recycling Team also provided advice regarding waste and recycling, which is recommended as an informative. A refuse vehicle tracking plan was requested and submitted. The Highways Authority requested that they submit a realistic plan taking into account on street parking, which has been submitted. The Waste and Recycling Team have confirmed that tracking for this vehicle is now correct and as such waste have no further concerns.
- 4.3.80 The Minerals and Waste Team, Herts County Council, were consulted and recommended a condition requiring a Site Waste Management Plan.

#### Summary on environmental considerations

4.3.81 As set out above there are no sustainable reasons to withhold planning permission on environmental grounds.

# **Environmental mitigation and climate change mitigations**

- 4.3.82 The environment is one of the three elements of sustainable development as defined by the National Planning Policy Framework. The relevant environmental implications have been considered within this report and balanced against the other two elements namely the social and economic impacts. However, the recommendation below is offered on the basis that the following measures will help to offset the schemes impact in relation to climate change:
  - Requirement for Electric Vehicle charging points.
  - Fewer parking spaces and a requirement for the applicants to submit a Travel Plan in order to encourage walking and cycling rather than carbon-based transport.
  - Proximity to other services, including local shop, takeaway and community centre.
  - Air Source Heat Pump systems be used for the two storey flats and houses.
  - Solar Photovoltaic panels proposed for the apartment block.

- 4.3.83 There is also the matter of embedded carbon in the buildings to be removed. However, the principle of the demolition of the existing dwellings and their replacement has already been accepted by the hybrid application ref. 19/01416/HYA and whilst the fallback position has fallen away, this recent decision is a material consideration, which affords some weight. The application does not provide any specific justification for the removal of the existing buildings, but it would appear that the existing housing is in need of improvement and the site could be used more efficiently to provide more housing.
- 4.3.84 An Energy Statement was submitted with the application and has been revised during the course of the application. It concludes that the total carbon reductions calculated for the development by dwelling type are 56%, 28% and 31% for the apartment block, "walk up flats" and houses respectively. It proposed that Air Source Heat Pump systems be used for the two storey flats and houses only and Solar Photovoltaic panels are only proposed for apartment block at this stage. These measures are welcomed. In the absence of a specific Local Plan policy, it is considered that the fact they have not included ESHP systems and PV panels on all the properties is not a sustainable reason to withhold planning permission. Although an Energy Statement has been submitted a condition is recommended that notwithstanding the Energy Statement submitted with the application, prior to the commencement of the development an updated Energy Statement including full and specific details of the energy reduction and efficiency measures to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. The Energy Statement needs updating in any case as it still refers to policies in the Local Plan for a different area in error.
- 4.3.85 An Over Heating Assessment was submitted with the application. This indicates that the proposals pass all the relevant criteria except for the bedrooms on three ground floor when testing with fully openable windows so it ends with the following recommendations:
  - 1. Use Passive Ventilation Method i.e ResiVent
  - 2. Increase Ventilation Rates to Ground Floor Bedrooms i.e. 4ACH during night time hours
  - 3. Introduce Peak Lop Cooling
- 4.3.86 A condition has been recommended that these recommendations are accommodated unless otherwise agreed in writing by the Local Planning Authority.

# Whether the development would represent a sustainable form of development

4.3.87 A matter to consider in all applications for planning permission is whether the proposed development would represent a sustainable form of development. Paragraph 8 of the NPPF sets out the economic, social, and environmental objectives that should be met in order to achieve sustainable development.

# **Economic Benefits**

4.3.88 Paragraph 81 of the NPPF stipulates that significant weight should be places on the need to support economic growth and productivity. This is particularly relevant following the COVID-19 pandemic and other pressures on the economy. There will be considerable economic benefits derived from the construction of the site. There will be employment for construction workers and resulting direct and indirect benefits to the local economy. There would also be economic benefits arising from the fitting out and furnishing of the new homes. There would also be ongoing benefits from the spending of future occupiers.

#### **Social Benefits**

4.3.89 The main social benefits of the proposed development would be the provision of 48 dwellings including at least 40% affordable homes and associated public open space.

#### **Environmental Benefits**

4.3.90 The environmental benefits of the proposed development would be that an area of housing in need of improvement, would be re-developed.

### Summary on sustainability

4.3.91 Overall, it is considered that the proposals represent a sustainable form of development that complies with national and local planning policy and guidance.

#### **Conditions**

4.3.92 The Highways Authority and the Environmental Health Team (both Air Quality and Noise and other nuisances) recommended Construction/Construction Traffic Management Plan conditions, which have been combined into one condition which also covers demolition as required by Environmental Health Team (Air Quality). The Highway Authority recommended a condition securing a Travel Plan Statement and the Environmental Protection Officer (Air Quality) recommended a condition securing a Travel Plan, so this has been covered in one condition to simplify matters.

# **Planning Obligations**

4.3.93	In	considering	Planning	Obligations	in	relation	to	this	development	the	Framework
	(pa	aragraph 56)	advises th	at:							

'Planning Obligations should only be sought where they meet all of the following tests:

<ul> <li>necessary to make the development acceptable in planning terms;</li> </ul>
□ directly related to the development; and
□ fairly and reasonably related in scale and kind to the development.

- 4.3.94 The Community Infrastructure Regulations 2010 (regulation 122) coincides with the above requirements of the Framework.
- 4.3.95 In relation to the hybrid application a Unilateral Undertaking (S106 Agreement) was submitted, which included contributions towards healthcare GP provision, primary education, secondary education, youth services, libraries, sustainable transport, travel plan monitoring and NHDC waste collection and recycling were secured by a Unilateral Undertaking. The index linked contributions have all been paid in full.
- 4.3.96 This full application needs to be dealt with by a separate S106 Agreement/Unilateral Undertaking due to change of the description for Phase 3 and the new/outstanding contributions because of the new definition of development for Phase 3 of the redevelopment.

- 4.3.97 Given that the proposed development only represents an uplift of two dwellings compared to the outline permission for which all contributions have been paid. North Herts Council have not requested any contributions particularly given the relatively small amounts this would secure.
- 4.3.98 Hertfordshire County Council are seeking contributions on this current application. Hertfordshire County Council revised its 'Guide to Developer Infrastructure Contributions' on the 31<sup>st</sup> October 2022 (after the hybrid application on this site was approved). As such they submitted a revised response seeking contributions towards primary education (£145,470), secondary education (£151,864), youth services (£3,957), and sustainable transport (£261,295) and additional contributions towards Special Educational Needs and Disabilities (£17,072) and waste services (£6,011) (all index linked) and monitoring fees attracting a charge of £340 (adjusted for inflation against RPI July 2021). In terms of calculating the planning contributions for the new S106 Agreement (Unilateral Undertaking) with this current full application for Phase 3, Hertfordshire County Council sought contributions for 48 units minus the contributions the applicant has already made in relation to Phase 3, and they sought some additional contributions.
- 4.3.99 Following receipt of a draft Heads of Terms, the applicant provided a S106 response and then submitted a viability report. Dixon Searle Partnership (DSP) carried out an independent review of the viability report. The applicant submitted further information which DSP reviewed. A full suite of viability documents is available to view to the Council's website. The applicant has redacted commercially sensitive information in these documents. The Growth and Infrastructure Unit, Hertfordshire County Council, and residents on or directly adjoining the site have been re consulted on this viability information.
- 4.3.100 The applicant's viability assessment was carried out with all the 40% affordable homes as affordable rent. However, the proposed scheme we are considering would have 40% affordable housing with a policy compliant tenure mix of 65% affordable rented/35% shared ownership and this would be secured by condition. DSP also assessed an alternative scheme which takes into account the policy compliant tenure mix of 65% affordable rented/35% shared ownership. (Their alternative scheme is based on 20 affordable dwellings, and the proposal is for 19 affordable dwellings, but it is considered that this is sufficiently similar, and we do not need the scheme appraised further including 19 affordable dwellings.) On this basis DSP provided that a planning contribution figure of £45,532 (index linked) would be reasonable to request. The applicant has agreed to pay this planning contribution.
- 4.3.101 Due to viability challenges North Herts have made £45,532 of financial contributions available to the County Council. Hertfordshire County Council have confirmed that this pot of contributions has been apportioned as set out in the table in below towards education provision, youth service, waste service and highway improvements/sustainable transport contribution plus the monitoring fee has been maintained. The Growth and Infrastructure Unit, Hertfordshire County Council, explained that they have combined the previous primary education contribution, the secondary education contribution, the nursery contribution, and the SEND contribution together into one pot towards "education provision". This allows greater flexibility for how these contributions may be used. This flexible approach is necessary given that the contributions have been reduced.

- 4.3.102 The Growth and Infrastructure Team, Hertfordshire County Council, request that viability review mechanisms are included within the S106 legal agreement, and they request that if there is any future value in the scheme then how that is apportioned and on which projects is agreed by both North Herts and the County Council together. Section 2.4 of North Herts Council's Developer Contributions SPD states that the Council will consider using a viability review mechanism where obligations are agreed at lower than policy compliant levels on viability grounds. However, it goes onto say that a viability review mechanism may be used for multi-phased or long-term development schemes and may be appropriate whereby there are large scale, estimates or bespoke costs which may be subject to change or further surety upon investigation. Notwithstanding the comments of the Growth and Infrastructure Team, Hertfordshire County Council, the view of North Herts Council officers is that the inclusion of viability review mechanism in the Unilateral Undertaking is not justified in this case given that it is not a long-term development scheme or large scale and there is not a lack of certainty over costs.
- 4.3.103 The Unilateral Undertaking will also secure submission of an Open Space Scheme, Open Space Management Scheme, Play Area (Local Area for Play) Scheme, Play Area Management Scheme, SuDS (Sustainable Drainage Systems) Scheme and SuDS Management Scheme to secure the provision and long-term management and maintenance of the open space, play space and SuDS on-site.
- 4.3.104 A draft Unilateral Undertaking has been drawn up. This will need to be amended to cover the following infrastructure contributions, which have been requested by the relevant service providers. The planning obligations are listed in the table below.

Element	Detail and Justification		
Education Provision (HCC)	Contribution of £20,050 (index linked to BCIS 1Q2022) towards primary education (including nursery) provision and/or secondary education provision and/or SEND provision serving the development		
	Policy SP7 'Infrastructure requirements and developer contributions'		
	NHC Developer Contributions SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)		
Youth Service (HCC)	Contribution of £275 (index linked to BCIS 1Q2022) towards sourcing a new exclusive or shared use young people's centre serving Hitchin and the surrounding area and/or provision serving the development.		
	Policy SP7 'Infrastructure requirements and developer contributions'		
	NHC Developer Contributions SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)		

Waste Service	Contribution of £567 (index linked to BCIS		
(HCC)	1Q2022) towards increasing capacity at Letchworth Recycling Centre and/or provision serving the development.		
	Policy SP7 'Infrastructure requirements and developer contributions'		
	NHC Developer Contributions SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)		
Highway improvements/sustainable transport (HCC)	Highway improvements/sustainable transport contribution - £24,640 (index linked to SPONS January 2019)		
	Policy SP7 'Infrastructure requirements and developer contributions'		
	NHC Developer Contributions SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)		
Monitoring Fees (HCC)	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).		
	Policy SP7 'Infrastructure requirements and developer contributions'		
	HCC Guide to Developer Infrastructure Contributions (July 2021)		
Open Space Management Scheme, LAP Management Scheme and SUDS Management Scheme (NHC)	Open Space Scheme, Open Space Management Scheme, Play Area Scheme, Play Area Management Scheme, SuDS Scheme and SuDS Management Scheme to secure the provision and long-term management and maintenance of the open space, play space and SuDS on-site		
	Fields in Trust standards		
	Policy SP7 'Infrastructure requirements and developer contributions'		

4.3.105 It is considered that the above contributions, as negotiated by the Local Planning Authority and agreed by the applicant, meet the tests set out in paragraph 56 of the NPPF and mitigate the impact of the development to an acceptable degree.

- 4.3.106 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 detailed 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.
- 4.3.107 Some of the provisions of the S106 agreement are designed to help mitigate the impact of the development and these elements. Further agreed contributions towards sustainable transport, whilst helping mitigate the impact of the development, would also be a wider public benefit as residents beyond those living at the proposed development site will benefit.
- 4.3.108 At this stage the planning contribution figures have been agreed by all parties. Discussions are ongoing regarding the wording of the Unilateral Undertaking (Legal Agreement). However, it is considered that the Legal Agreement is advanced enough to refer this matter to Planning Committee and that the outstanding issues are minor in nature and can be resolved prior to determination. As such the recommendation is that planning permission should be granted subject to conditions and completion of the Legal Agreement (Unilateral Undertaking).

## Planning Balance and Conclusion

- 4.3.109 As set out above, in terms of whether the tilted balance should apply, as the Council cannot demonstrate currently a 5-year supply of housing for applications submitted before 20<sup>th</sup> December 2023, the titled balance as set out at NPPF Paragraph 11 is engaged.
- 4.3.110 Paragraph 11 of the NPPF states that: "Plans and decisions should apply a presumption in favour of sustainable development...For decision-taking this means:
  - c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [footnote 8], granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [footnote 7]; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.3.111 The development would not affect any protected areas of assets of particular importance (as defined in the NPPF) and any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3.112 The first main aspect considered to weigh heavily in favour of the proposed development is that proposal would bring forward 48 units of residential accommodation (a net increase of 12), over 40% of which would be affordable housing. There are other benefits arising from the proposed development which have been identified in this report and which add further weight in favour of the proposed development.

- It is also considered that in accordance with the aims of the NPPF, the proposed development would also result in various economic benefits, in terms of employment during the construction process and in terms of longer-terms benefits once the development would be in place.
- 4.3.113 The scheme will introduce significant form and scale of buildings into the aspect currently enjoyed by some residents. However, it is considered that the proposed development would not materially harm the living conditions of the occupiers of neighbouring properties.
- 4.3.114 The scheme would underprovide car parking against current standards. The available evidence suggests that this will not result in any significant harm. The comments made by the Highways Authority are acknowledged. As set out above the applicant did not make a Reserved Matters application for this site within three years of the grant of outline application for Phase 3 as part of the hybrid application ref. 19/01416/HYA and therefore this fall-back position has fallen away. However, the fact that an outline scheme with a very similar layout and access in June 2020 is a material consideration in the determination of the application, which holds some weight in the decision-making process. Therefore, it would not be sustainable to withhold planning permission on Highways or other grounds. There is also an under provision of open space for the scheme as required by Policy NE6: New and improved open space and the Fields in Trust standards. However, the NPPF encourages the redevelopment of brownfield land, and it was not viable to provide financial contributions for off-site open space. Therefore, the under provision of open space is not considered to be a sustainable reason to withhold planning permission.
- 4.3.115 In environmental terms, there will be some negative impact as a consequence of high-density development e.g. traffic generation, noise and CO2 emissions. That said the scheme seeks to include some on-site renewable and low carbon technologies to minimise energy use and contribute positively to environmental sustainability. The application site is previously developed land, and the development would be in step with NPPF advice which encourages the re-use of such land within settlements to meet identified housing need where land supply is constrained and where available sites could be used more effectively. The NPPF states that substantial weight should be given to the value of using brownfield land.
- 4.3.116 The application site is located within the urban area of Hitchin. In the Local Plan the site to the north (Phases 1 and 2) is identified as the Westmill (John Barker Place) Neighbourhood Centre, but Freemans Close is outside of this area. There is no objection in principle to residential development on this site.
- 4.3.117 The new Council Plan 2020 2025 expressly supports the development of John Barker Place.
- 4.3.118 For the reasons set out above it is the officer's view that any adverse impacts granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The proposed development would broadly accord with the development plan including the adopted Local Plan, and where it does not accord there is satisfactory justification for this. As such it is concluded that there are no sustainable reasons to withhold planning permission and planning permission should be granted subject to conditions and completion of the S106 Agreement (which is likely to be in the form of a Unilateral Undertaking).

## **Alternative Options**

# 4.3.119 None applicable

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

4.3.120 We are seeking the agreement of the applicant to the pre-commencement conditions and Members will be updated at the committee meeting.

# 5.0 **Legal Implications**

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) The following conditions and informatives:

### **Conditions**

#### Time limit

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.

## In accordance with approved plans

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.

#### **Details of external materials**

 Notwithstanding the submitted details prior to commencement of any above ground construction works, full details of the external materials including windows, shall be submitted to and be approved in writing by the Local Planning Authority. 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 in accordance with Policy D1 of the North Hertfordshire Local Plan (2011-2031).

## Affordable housing

- 4. The development shall not begin until a scheme for the provision of at least 40% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:
  - the numbers including size, type and tenure on the site of the affordable housing provision to be made;
  - the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced. Occupation of the development hereby permitted shall thereafter be undertaken in accordance with the approved affordable housing scheme unless otherwise agreed in writing by the Local Planning Authority. This condition shall not be binding on: -a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT such mortgagee or chargee (or any receiver appointed thereby) or administrator (howsoever appointed) including a housing administrator acting pursuant to any event of default shall first give written notice to the Council of its intention to dispose and shall have used reasonable endeavours over a period of twelve weeks from the date of the written notice to dispose of the affordable housing unit(s) to another registered social landlord or to the council for a consideration not less than the amount due and outstanding to the mortgagee or chargee under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the mortgagee or chargee in respect of the mortgage or charge. If such disposal has not taken place within the twelve week period, the mortgagee, chargee or receiver shall be entitled to dispose of the affordable housing unit(s) free from the affordable housing provisions in this Planning Permission which shall determine absolutely.

Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing and in accordance with Policy HS2 of the North Hertfordshire Local Plan (2011-2031).

## **Highways**

- 5. The development authorised by this permission shall not begin until that part of the land to be developed upon which is highway maintainable at public expense is stopped up.
  - Reason: To distinguish the highway use of land currently classified as highway maintainable at public expense.
- 6. Before commencement of the development, additional plans shall be submitted and approved in writing by the Local Planning Authority which show the provision of pedestrian dropped kerbs and tactile paving across the site at all key junction points / pedestrian desire lines, to the satisfaction of the Local Planning Authority. The works shall be implemented as approved by this plan before first occupation.
  - Reason: So that all users of the development can safely, conveniently and sustainably walk and wheel access the site, in compliance with paragraphs 110-112 of the NPPF, and Inclusive Mobility 2022.
- 7. No dwelling forming part of the development shall be occupied until the bus stop along Westmill Road (120 metres south of Freemans Close) has been upgraded. The upgrade shall include build out of the kerbline to the Westmill Road carriageway edge (i.e. removal of the layby) and raised Kassel kerbing. Before first occupation of any part of the development, this work shall be completed to the satisfaction of the Local Planning Authority.
  - Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 110 112 of the NPPF and in accordance with Policy T1 of the North Hertfordshire Local Plan (2011-2031).
- 8. At least three months before first occupation, a Travel Plan/Travel Plan Statement shall be submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall consist of a written agreement with the County Council setting out a scheme to encourage, regulate, and promote sustainable 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' 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.
  - 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 Plan shall be implemented in full thereafter.

Reason: To promote sustainable travel measures to the development, in accordance with paragraphs 110-112 of the NPPF and HCC's LTP4 policies 1, 3, 5, 6, 7, 8, 9, 10 and to reduce the impact of the development on air quality and in accordance with Policies T1, D3 and D4 of the North Hertfordshire Local Plan (2011-2031).

9. Before the development hereby approved is first occupied, all on site vehicular areas, including internal access roads, forecourts, garages, carports and external parking spaces, shall be accessible, surfaced, marked out and fully completed in accordance with the approved plans and to the satisfaction of the Local Planning Authority's approval. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: So as to ensure satisfactory parking of vehicles outside highway limits and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

## Demolition, construction, and traffic management

- 10. Prior to demolition and the commencement of the development, a detailed 'Demolition, Construction, and Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the Environmental Health Team (Air Quality and Noise). Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Demolition, Construction and Traffic Management Plan' shall identify details of:
  - 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, delivery and storage of materials
  - 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.
  - details of how the safety of existing public highway users and existing public right of way
  - users 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, and how it will be ensured dirty surface water does not runoff and discharge onto the highway.
  - the provision for addressing any abnormal wear and tear to the highway, to include a Highways Before & After survey
  - the details of consultation and complaint management with local businesses or neighbours.
  - the details of any other Construction Sites in the local area.
  - waste management proposals.

- signage
- mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

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 the Hertfordshire's Local Transport Plan (adopted 2018) and to ensure the correct phasing of development in the interests of minimising disruption to nearby residents during construction, minimising and controlling any environmental impacts, and to ensure that adequate measures are adopted to control nuisance during works associated with the development from the spread of pollution, notably dust and fine particulate matter, in accordance with Policies T1, D3 and D4 of the North Hertfordshire Local Plan (2011-2031).

## Lighting plan including pedestrian access with the Crescent

11. 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. The scheme shall include details of external lighting of the pedestrian access footpath connecting the application site with The Crescent, unless otherwise agreed in writing by the Local Planning Authority. 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 local amenity and to ensure residents and visitors of the development have improved pedestrian access to the site, in accordance with Policy D1 of the North Hertfordshire Local Plan (2011-2031).

## Landscaping

- 12. Notwithstanding the information submitted, full details of landscaping shall be submitted to and approved in writing by the local planning authority prior to the commencement of landscaping works. The landscaping details shall include:
  - Details of all hard landscape surfaces.
  - Details of all new trees and shrubs including species, size and planting densities.
  - Details of all trees and shrubs to be removed.
  - Details of boundary treatment.
  - Details of any earthworks proposed.
  - Landscape maintenance arrangements.

Reason: To safeguard the appearance of the completed scheme in accordance with Policies D1 and NE2 of the North Hertfordshire Local Plan (2011-2031).

## Landscaping implementation

13. 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 in accordance with Policies D1 and NE2 of the North Hertfordshire Local Plan (2011-2031).

### Tree protection

14. Before the commencement of any other works on the site, trees to be retained (on or adjacent to the site) 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.

## Play area

15. Prior to first occupation details of the LAP (Local Area for Play) including play equipment, soft and hard landscaping and fencing) to be submitted and agreed in writing by the Local Planning Authority. The approved details shall be implemented on site and permanently maintained.

Reason: To ensure provision of suitable play facilities on site.

## **EV Recharging Infrastructure Condition**

16. Prior to the first occupation of the development hereby approved details of siting, number and design of the Electric Vehicle Charging Points shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed prior to the occupation of each dwelling and permanently retained thereafter. Each of the proposed new dwellings shall incorporate an Electric Vehicle (EV) charging point. Proposals should also be made for the provision of EV charging within other public parking areas of the proposed 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 in accordance with North Hertfordshire Local Plan Strategic Objective ENV4 and Policy SP9 and D4. And to ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

#### Noise – hours of work

17 Hours of work for noisy construction works are limited to the following times only:-

08.00hrs to 18.00hrs Monday to Friday 08.00hrs to 13.00hrs Saturdays and At no times on Sundays and Public Holidays.

Reason: To protect the residential amenity of existing resident.

## Details of the energy reduction and efficiency measures

18 Notwithstanding the Energy Statement submitted with the application, prior to the commencement of the development hereby permitted an updated Energy Statement including full and specific details of the energy reduction and efficiency measures to be installed in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in accordance with local and national policies aimed at mitigating the environmental impacts of development and adapting to climate change, including Policy D1 of the North Hertfordshire Local Plan (2011-2031).

## Overheating assessment mitigation measures implemented

19 The mitigation measures set out on the final page of the submitted Overheating Assessment shall be implemented and permanently maintained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is in accordance with local and national policies aimed at mitigating the environmental impacts of development and adapting to climate change, including Policy D1 of the North Hertfordshire Local Plan (2011-2031).

## Cycle parking

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

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

Local Transport Plan (adopted 2018) and in accordance with Policy T1 of the North Hertfordshire Local Plan (2011-2031).

#### Pedestrian access to the Crescent to be maintained

21 The existing pedestrian access point (at the central southern point of the site) from of the application site leading to The Crescent shall be permanently maintained as part of the approved development unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining pedestrian permeability and integration with the surrounding residential environment, in accordance with Policy T1 of the North Hertfordshire Local Plan (2011-2031).

## Removal of PD rights for houses

22 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, D, and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out on the houses approved as part of this development (Blocks 2, 6 and 7) 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 Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

## Waste storage and collection and standard informative

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

Reason: To facilitate refuse and recycling collections, to protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

## **Site Waste Management Plan**

24 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).

## Fire hydrants

25 No development 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.

#### Land contamination

- 26 (a) No development approved by this permission shall be commenced prior to the submission to, and approval of the Local Planning Authority of a Site Investigation (Phase II environmental risk assessment) report which includes:
  - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
  - (ii) The results from the application of an appropriate risk assessment methodology
  - (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
  - (c) This site shall not be occupied, or brought into use, until:
  - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
  - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
  - (d) Any contamination, other than that reported by virtue of condition (a), 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.

## Provision of swift and bat boxes

27 Development shall not proceed until a plan for integrating 25 swift boxes and 25 bat bricks into the brickwork of the development has been submitted and approved by the Local Planning Authority. The devices shall be installed (as per the approved plan) prior to the first occupation and retained thereafter. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve and enhance biodiversity in accordance with NPPF

## **Ecology condition BNG plan**

28 Prior to the commencement of development and any landscaping works, a Net Gain Plan including a Habitat Management and Monitoring Plan using the DEFRA template detailing how a 10.7% biodiversity net gain will be delivered and sustained for a period of 30 years shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the agreed biodiversity gains are delivered and maintained in the interests of local biodiversity.

## **Ecology condition re bats watching brief**

29 To minimise any risk of impact to extant bats, the roofing materials including soffits and facias should be removed by hand under the supervision of a bat ecologist. If any bats are encountered, work must stop, and advice taken from the licence bat ecologist.

Reason: To ensure that protected species are safeguarded.

## **LLFA** conditions

30 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 & Drainage Strategy (Flood Risk Assessment and Surface Water Drainage Strategy, prepared by Ingent Consulting Engineers, dated 31 January 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 Policies of North Herts Council.

31 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.

32 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 1. 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 Policies of North Herts Council.

33 Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF

34 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.

#### **Proactive Statement**

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

#### **Informatives**

## Off-site highways work Informative

The off-site highways works referred to in condition 7 above shall include:

The upgrading of the bus stop along Westmill Road (120 metres south of Freemans Close). The upgrade shall include build out of the kerbline to the Westmill Road carriageway edge (i.e. removal of the layby) and raised Kassel kerbing.

The details of these off-site highways works need to be completed in accordance with an approved S278 Agreement with the Highway Authority, prior to the occupation of any dwelling forming part of the development.

## **Highways Informatives**

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

Further information is available via the website

https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047.

AN2) 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.

AN3) 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.

AN4) Construction standards for highway works: Where works are required within the public highway, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission 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.

AN5) Stopping up of highway land: Before any development commences, the applicant must remove the highway rights over the land to be developed, ensure that they are the subsoil owner, and that all utility companies are made aware so that they retain access to any of their assets. The applicant should complete a stopping up procedure under sections 247 and 248 Town and Country Planning Act 1990, or Section 257 of the same Act, or sections 116 and 118 of the Highways Act 1980. For the latter, please contact the National Transport Casework Team, Department for Transport, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.; E-mail nationalcasework@dft.gsi.gov.uk; Tel: 0191 203 4301.

A Sustainable Highway improvements/sustainable transport contribution of £24,640 (index linked to SPONS January 2019) is payable by a section 106 Agreement

#### **Materials Informative**

As per the approved plans (M9771-02-303-A and M9771-02-304-A), the two gateway homes shall be predominantly buff brick, unless otherwise agreed in writing by the Local Planning Authority. In order to ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

## EV charging informative

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 Page 117should 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

o Part S of Schedule 1 to the Building Regulations 2010 is an approved document and came into full effect for development starting from 15 June 2023.

## Anglian Water informatives in relation to assets affected and used water network

- 1. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 2. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 3. Protection of existing assets A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- 4. Building near to a public sewer No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
- 5. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

## Waste and recycling Informative

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

Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available. Doors should ideally be keypad entry or standard fire brigade keys. We do not support the use of electronic key fobs. Roller shutters on bin stores can be considered to save space however the additional noise impacts should be considered.

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

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

Bins in communal bin stores should be manoeuvrable to the refuse collection vehicle without the need to move other bins. Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.

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

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

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

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

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

For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in. Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

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

Further general advice on waste provision for developments is available on our website: <a href="http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision">http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision</a> The bin requirements stated there are specific to North Herts, but the rest of the advice is general.

## 7.0 Appendices

- 7.1 Decision Notice for application ref. 19/01416/HYA
- 7.2 Committee Report for application ref. 19/01416/HYA



# NORTH HERTFORDSHIRE DISTRICT COUNCIL

## **DECISION NOTICE**

Correspondence Address:

Applicant: Mrs S Virji

Mr P Sterligova Space One Beadon Road London W6 0EA

FAO: Hunters

## PARTICULARS OF DEVELOPMENT

**Application:** 19/01416/HYA

**Proposal:** Development A - Full planning application comprising: Phase

1 - construction of a five storey block containing  $37\ x$  one bedroom apartments (affordable retirement living tenure), ground floor supermarket (Class A1) and hot food takeaway unit (Class A5) and Phase - 2 construction of two x four storey residential apartment blocks containing 24 x one bedroom apartments (affordable rent and affordable living tenure) and 6 x one bedroom and 16 x two bedroom apartments (open market housing) together with associated vehicular and pedestrian access, car parking, landscaping and ancillary

works, following demolition of existing buildings.

Development B - Outline planning application comprising: Phase 3 - the erection of 32 x one and two bedroom apartments and 14 x three bedroom houses (open market housing) following demolition of existing buildings. Matters of

appearance, landscaping, and scale are reserved.

**Location:** Land At 25-35 John Baker Place And 1-36, Freemans Close,

Hitchin, Hertfordshire,

**Plan Nos:** APL100A APL101A AP102 APL103E M9544 AP103

APL104E M9544\_APL104E APL200B APL201 APL202 APL203 APL204 APL210 APL212 APL213 APL214 AEL300 AEL301 AEL302 AEL306 AEL307 AEL308

AEL303A

### PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **GRANT PERMISSION** for the development proposed by you in your application received with sufficient particulars on 2 July 2019, subject to the following condition(s):

Development A - Full planning application comprising: Phase 1 - construction of a five storey block containing 37 x one bedroom apartments (affordable retirement living tenure), ground floor supermarket (Class A1) and hot food takeaway unit (Class A5) and Phase - 2 construction of two x four storey residential apartment blocks containing 24 x one bedroom apartments (affordable rent and affordable living tenure) and 6 x one bedroom and 16 x two bedroom apartments (open market housing) together with associated vehicular and pedestrian access, car parking, landscaping and ancillary works, following demolition of existing buildings.

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 submitted details and prior to the commencement of the relevant phase precise details of the external materials, including windows, for phases 1 and 2, shall be submitted to and approved in writing by the Local Planning Authority.

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

- 4. The development shall not begin until a scheme for the provision of at least 40% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:
  - the numbers, type and tenure on the site of the affordable housing provision to be made:
  - the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Occupation of the development hereby permitted shall thereafter be undertaken in accordance with the approved affordable housing scheme unless otherwise agreed in writing by the Local Planning Authority.

This condition shall not be binding on: -

a mortgagee or chargee (or any receiver(including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver)

of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT such mortgagee or chargee (or any receiver appointed thereby) or administrator (howsoever appointed) including a housing administrator acting pursuant to any event of default shall first give written notice to the Council of its intention to dispose and shall have used reasonable endeavours over a period of twelve weeks from the date of the written notice to dispose of the affordable housing unit(s) to another registered social landlord or to the council for a consideration not less than the amount due and outstanding to the mortgagee or chargee under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the mortgagee or chargee in respect of the mortgage or charge. If such disposal has not taken place within the twelve week period, the mortgagee, chargee or receiver shall be entitled to dispose of the affordable housing unit(s) free from the affordable housing provisions in this Planning Permission which shall determine absolutely.

Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing

5. The development hereby permitted shall be carried out in accordance with the noise mitigation measures (glazing and ventilation performance) detailed in the submitted 'Noise Assessment for John Barker Place, Hitchin' (dated 31st October 2019) by Resound Acoustics Limited and Appendix A of Technical Note, "John Barker Place Hitchin - Glazing Assessment", Reference RA00639-TN1 dated 27 November 2019 by Resound Acoustics. Once implemented the development the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect the residential amenity of future residents within the relevant phase of the development.

6. The development hereby permitted shall be carried out and operated in accordance with the measures set out in the submitted Residential and Retail Travel Plans (Paul Basham Associates, dated November 2019). The travel plans shall be made available for inspection in the future by the local planning authority upon receipt of a written request to do so.

Reason: To ensure the scheme is operated in accordance with an agreed travel plan in the interests of promoting sustainable travel.

- 7. Notwithstanding the information submitted, full details of landscaping shall be submitted to and approved in writing by the local planning authority prior to works commencing to implement this permission. The landscaping details shall include:
  - o Details of all hard landscape surfaces
  - o Details of all new trees and shrubs including species, size and planting densities
  - o Details of all trees and shrubs to be removed
  - o Landscape maintenance arrangements

Reason: To safeguard the appearance of the completed scheme

8. 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.

- (a) No development (excluding demolition) approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
  - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
  - (ii) The results from the application of an appropriate risk assessment methodology
  - (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
  - (c) This site shall not be occupied, or brought into use, until:
  - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
  - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

- 10. (a) Prior to occupation, each apartment block, shall incorporate one EV ready domestic charging point for between 5 10 apartments and these shall be made available to its residents and managed and maintained by the management company(ies) appointed as responsible for each apartment block.
  OR
  - (b) Prior to occupation, a contract shall be entered into with a private provider to operate an EV car club for the residents of the apartment blocks for a period, scope and a level of provision to be agreed in writing with the LPA.

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

11. Prior to the commencement of the development hereby permitted full and specific details of the energy reduction and efficiency measures to be installed in Phases 1 and 2 of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in accordance with local and national policies aimed at mitigating the environmental impacts of development and adapting to climate change.

12. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

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

13. Prior to its installation and operation full details of the fume extraction equipment for the proposed Class A5 takeaway unit proposed within Phase I shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

14. The opening hours of the retail uses within the development shall be restricted to between 0630 hours and 23.00 hours on any day.

Reason: In the interests of residential amenity

15. Prior to the first occupation of the development hereby permitted the vehicular accesses (indicated for improvement on drawing number 1000.0005.006 Rev C Extent of Highway Boundary) shall be upgraded in accordance with the Hertfordshire County Council residential construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Prior to use arrangements 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 construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

16. Before the development is brought into use, signs in compliance with Diagrams 833/834/835/836 as set out in the Traffic Signs Regulations and General Directions 2002 (or any Order/Act revoking, amending or re-enacting those Regulations) shall be provided and thereafter retained at the means of ingress and egress in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and traffic movement.

17. Prior to the first occupation of the development hereby permitted any Traffic Regulation Orders (TROs), including for parking restrictions / waiting restrictions / that are required as part of improving access and accessibility to the site must be secured in place and implemented.

Reason: In the interests of highway safety, amenity and capacity to ensure free and safe flow of traffic and to be in accordance with Policies 4, 5, 12, 15 and 17 of Hertfordshire's Local Transport Plan (adopted 2018).

18. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

19. No gate / door / ground floor window if installed shall open outwards over the highway.

Reason: In the interests of highway safety.

20. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. This should be based on the Hertfordshire's Construction Management Template available from https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-

management/highways-development-management.aspx#managementplans. The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

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).

21. The development hereby permitted shall not be occupied until the works to provide real Time Information screen and Kessel kerbs at the bus stop in Westmill Road, Real time information screen at the bus stop in East Milestone Road, Shelter, Kessel Kerbs, Real time information screens at the bus stop in Moss Way have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

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

22. Prior to first use of any external fixed plant and/or machinery, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the plant noise limits detailed in Table 5.1 of "Noise Assessment for John Barker Place, Hitchin", Report reference RA00639-Rep1, dated October 2019 by Resound Acoustics, will not be exceeded when measured or calculated according to the provisions of BS4142:2014 (Method for rating and assessing industrial and commercial sound) and/or its subsequent amendments. The development shall be carried out in accordance with the approved scheme.

Reason: To protect the residential amenities of existing and future residents

23. Prior to the commencement of the development hereby approved a Site Waste Management Plan to include the details required by the Hertfordshire County Council's Minerals and Waste Policy team, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: The adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012

24. Notwithstanding the submitted details and prior to the first occupation of the development hereby approved further details of residential and visitors cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of cycle parking spaces in line with the Council's

adopted standards contained in Policy 1 and 5 of the Hertfordshire's Local Transport Plan 4 and in accordance with the North Hertfordshire's parking standards.

- 25. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy Addendum, Ref: 1809-217, Rev -, A and B, prepared by Ingent Consulting Engineers and the Phase 1 & 2 Drainage Strategy Drawing, dated 06.12.2019, Rev B, prepared by Ingent Consulting Engineers and the following mitigation measures:
  - 1. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% for climate change event (minimum 329.4m3).
  - 2. Implement drainage strategy based on lined permeable paving with sub-base and perforated pipes, attenuation crates and restricted discharge at 5l/s into the surface water sewer.

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

- 26. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment and Drainage Strategy Addendum, Ref: 1809-217, Rev -, A and B, prepared by Ingent Consulting Engineers and the Phase 1 & 2 Drainage Strategy Drawing, dated 06.12.2019, Rev B, prepared by Ingent Consulting Engineers. The scheme shall also include:
  - 1. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
  - 2. Provision of half drain down times within 24 hours
  - 3. Silt traps for protection for any residual tanked elements.
  - 4. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features such as permeable paving etc. for the paved areas and reducing the requirement for any underground storage.
  - 5. Provision of exceedance routes for events greater than the 1 in 100 year + climate change

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

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

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

28. Development B - Before the development hereby permitted is commenced, approval of the details of the design and external appearance of the development and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

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

29. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, including the children's play area, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

30. The development shall not begin until a scheme for the provision of at least 40% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

the numbers, type and tenure on the site of the affordable housing provision to be made:

the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Occupation of the development hereby permitted shall thereafter be undertaken in accordance with the approved affordable housing scheme unless otherwise agreed in writing by the Local Planning Authority.

This condition shall not be binding on: -

a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver)

of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT such mortgagee or chargee (or any receiver appointed thereby) or administrator (howsoever appointed) including a housing administrator acting pursuant to any

event of default shall first give written notice to the Council of its intention to dispose and shall have used reasonable endeavours over a period of twelve weeks from the date of the written notice to dispose of the affordable housing unit(s) to another registered social landlord or to the council for a consideration not less than the amount due and outstanding to the mortgagee or chargee under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the mortgagee or chargee in respect of the mortgage or charge. If such disposal has not taken place within the twelve week period, the mortgagee, chargee or receiver shall be entitled to dispose of the affordable housing unit(s) free from the affordable housing provisions in this Planning Permission which shall determine absolutely.

Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing.

31. The development hereby permitted shall be carried out in accordance with the noise mitigation measures (glazing and ventilation performance) detailed in the submitted 'Noise Assessment for John Barker Place, Hitchin' (dated 31st October 2019) by Resound Acoustics Limited and Appendix A of Technical Note, "John Barker Place Hitchin - Glazing Assessment", Reference RA00639-TN1 dated 27 November 2019 by Resound Acoustics. Once implemented the development the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect the residential amenity of future residents within the relevant phase of the development.

32. The development hereby permitted shall be carried out and operated in accordance with the measures set out in the submitted Residential and Retail Travel Plans (Paul Basham Associates, dated November 2019). The travel plans shall be made available for inspection in the future by the local planning authority upon receipt of a written request to do so.

Reason: To ensure the scheme is operated in accordance with an agreed travel plan in the interests of promoting sustainable travel.

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

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (d) Any contamination, other than that reported by virtue of condition (a) 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.

- 34. (a) Prior to occupation, each of the 14 town-houses, shall incorporate one Electric Vehicle (EV) ready domestic charging point.
  - (b) Prior to occupation the apartment block in Phase 3 shall incorporate one EV ready domestic charging point for every 10 apartments and these shall be made available to its residents and managed and maintained by the management company(ies) appointed as responsible for each apartment block. OR
  - (c) Prior to occupation, a contract shall be entered into with a private provider to operate an EV car club for the residents of the apartment blocks for a period, scope and a level of provision to be agreed in writing with the LPA.

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.

35. Prior to the commencement of the development hereby permitted full and specific details of the energy reduction and efficiency measures to be installed in Phase 3 of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in accordance with local and national policies aimed at mitigating the environmental impacts of development and adapting to climate change.

36. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

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

37. Prior to the first occupation of the development hereby permitted the vehicular accesses (indicated for improvement on drawing number 1000.0005.006 Rev C Extent of Highway Boundary) shall be upgraded in accordance with the Hertfordshire County Council residential construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Prior to use arrangements 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 construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

38. Before the development is brought into use, signs in compliance with Diagrams 833/834/835/836 as set out in the Traffic Signs Regulations and General Directions 2002 (or any Order/Act revoking, amending or re-enacting those Regulations) shall be provided and thereafter retained at the means of ingress and egress in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and traffic movement.

39. The existing pedestrian access points from the application site leading to The Crescent shall be permanently maintained as part of the approved development unless otherwise approved in writing by the Local Planning Authority

Reason: In the interests of maintaining pedestrian permeability and integration with the surrounding residential environment

40. Prior to the first occupation of the development hereby permitted any Traffic Regulation Orders (TROs), including for parking restrictions / waiting restrictions / that are required as part of improving access and accessibility to the site must be secured in place and implemented.

Reason: In the interests of highway safety, amenity and capacity to ensure free and safe flow of traffic and to be in accordance with Policies 4, 5, 12, 15 and 17 of Hertfordshire's Local Transport Plan (adopted 2018).

41. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

42. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. This should be based on the Hertfordshire's Construction Management Template available from https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans. The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

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).

43. 16. The development hereby permitted shall not be occupied until the works to provide real Time Information screen and Kessel kerbs at the bus stop in Westmill Road, Real time information screen at the bus stop in East Milestone Road, Shelter, Kessel Kerbs, Real time information screens at the bus stop in Moss Way have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

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

44. Prior to first use of any external fixed plant and/or machinery, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the plant noise limits detailed in Table 5.1 of "Noise Assessment for John Barker Place, Hitchin", Report reference RA00639-Rep1, dated October 2019 by Resound Acoustics, will not be exceeded when measured or calculated according to the provisions of BS4142:2014 (Method for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Reason: to protect the residential amenities of existing and future residents

45. Prior to the commencement of the development hereby approved a Site Waste Management Plan to include the details required by the Hertfordshire County Council's Minerals and Waste Policy team, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: The adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012

46. 19. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy - Addendum, Ref: 1809-217, Rev -, A and B, prepared by Ingent Consulting Engineers and Phase 3 Drainage Strategy Drawing, dated 06.12.2019, Rev A, prepared by Ingent Consulting Engineers and the following mitigation measures:

- 1. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% for climate change event (minimum 462.9m3)
- 2. Implement drainage strategy based on lined permeable paving with sub-base and perforated pipes, attenuation crates and restricted discharge at 5l/s into the surface water sewer.

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

- 47. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment and Drainage Strategy Addendum, Ref: 1809-217, Rev -, A and B, prepared by Ingent Consulting Engineers and the Phase 3 Drainage Strategy Drawing, dated 06.12.2019, Rev A, prepared by Ingent Consulting Engineers. The scheme shall also include:
  - 1. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
  - 2. Provision of half drain down times within 24 hours
  - 3. Silt traps for protection for any residual tanked elements.
  - 4. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features such as permeable paving etc. for the paved areas and reducing the requirement for any underground storage.
  - 5. Provision of exceedance routes for events greater than the 1 in 100 year + climate change

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

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

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

### **Proactive Statement:**

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:

Informatives:

**Environmental Informatives** 

## 1) EV Charging Point Specification:

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

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

- 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.
- 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

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

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

Prior to the commencement of demolition of the existing building, a survey should be undertaken in order to identify the presence of asbestos containing materials.

Any asbestos containing materials should be handled and disposed of appropriately.

Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

## **Highway Informatives:**

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 requirement as part of the offsite s278 works is to: o Upgrades to three access junctions in John Barker Place; o Provision of tactile paving at the junction of John Barker Place and Westmill Road; o new pedestrian crossing facility in John Barker Place; o Widening of the footway to a minimum of 2.5m or 3m along the John Barker Place and Matocke Road site's frontage; o Removal of any proposed lay-by parking o Pedestrian dropped kerbs and tactile paving across Westmill Road to access Milestone Road bus stop The details should be included as part of the s278 drawing as part of the required highway work in conjunction with the development. 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

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

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.

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/business-and-developer-information/business-licences/business-licences.aspxor by telephoning 0300 1234047

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Development Management
North Hertfordshire District Council



Council Offices Gernon Road Letchworth Herts SG6 3JF

Development & Conservation Manager

**Date:** 9 June 2020

The Council's Privacy Notice is available on our website: <a href="https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr">https://www.north-herts.gov.uk/home/council-data-and-performance/data-protection/information-management-gdpr</a>

#### **NOTES**

- Failure to satisfy conditions may invalidate this permission and/or result in enforcement action. Particular attention should be paid to the requirements of any condition in bold.
- 2 Circular 04/2008 (Planning Related Fees) states that where an application is made under Article 21 of the Town and Country Planning (General Development Procedure) Order 1995, a fee will be payable for any consent, agreement or approval required by condition or limitation attached to the grant of planning permission.
- The fee is £116 per request or £34 where the permission relates to an extension or alteration to a dwellinghouse or other development in the curtilage of the dwellinghouse. No fee is required for applications resulting from a condition removing "permitted development rights".

The request can be informal through the submission of a letter or plans, or formal through the completion of an application form and the submission of plans. Any number of conditions may be included on a single request. The form is available on the Council's website:

www.north-herts.gov.uk/home/planning/planning-applications/submit-planning-application

- If the development hereby permitted is one that will require a new postal address/es then please contact the Council's **street naming and numbering service** on 01462 474431 or email SNN@north-herts.gov.uk who will advise you on how to apply for the new address/es.
  - Any proposed sales and/or marketing name to be adopted by the developer should be forwarded to the **street naming and numbering service**, prior to any publication of the site details and sales information.
- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <a href="https://www.gov.uk/planning-inspectorate">https://www.gov.uk/planning-inspectorate</a>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

# 6 Purchase Notices

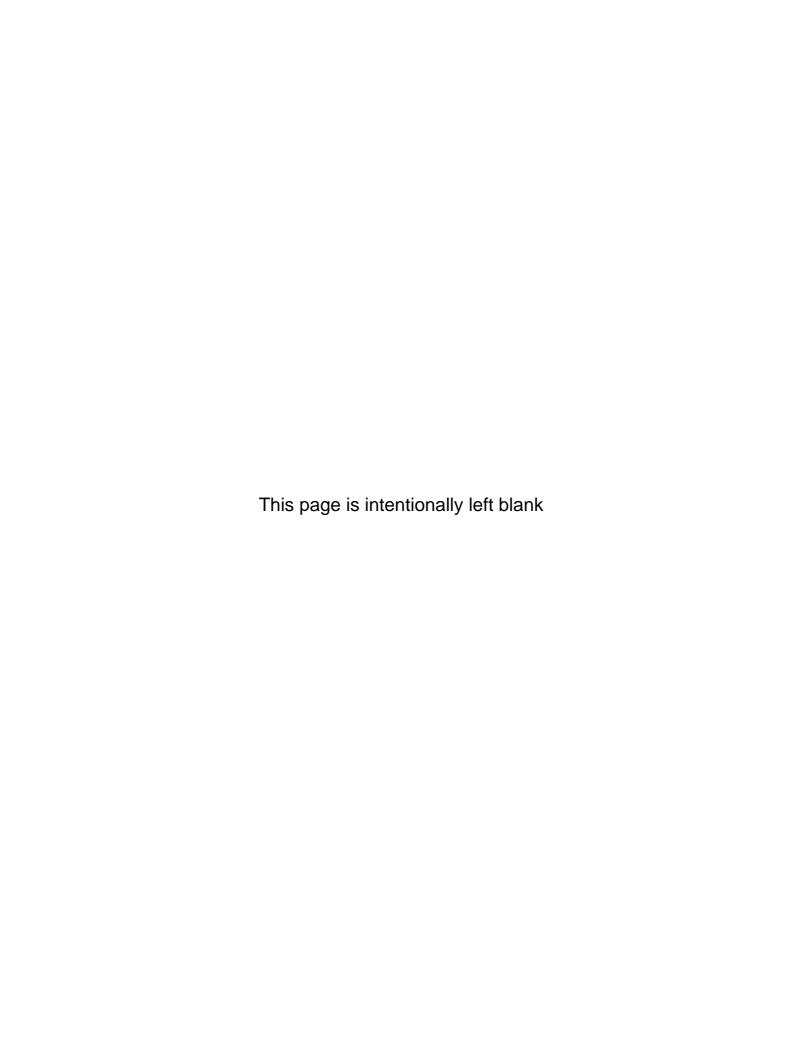
If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

The District Council and County Highway Authority wish to ensure that, in the implementation of the development, hereby approved, the highway verge adjacent to the property is not damaged or does not become unsightly due to the stationing of skips, parking of vehicles, storing of building materials etc thereon. Your attention is, therefore, drawn to the provisions of Section 131 of the Highways Act 1980 and to the Hertfordshire County Council Bylaws 1955 (specifically relating to grass margins and verges in Letchworth Garden City) by virtue of which such actions, unless authorised by the prior grant of a licence, constitute a prosecutable offence. Persons responsible for undertaking the development and any associated works are,

therefore, strongly encouraged to take appropriate steps to ensure that no breach of the said legislation occurs during the course of such activities. In the event of any damage being caused it will be expected that suitable reinstatement is undertaken upon completion of the development. Failure to do so could also result in legal action being pursued. To obtain information regarding the issue of licences, contact Hertfordshire Highways, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG138DQ or telephone 0300 1234 047.

THIS PLANNING PERMISSION DOES <u>NOT</u> CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS AND IS NOT A LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT. IT DOES NOT CONVEY ANY APPROVAL OR CONSENT WHICH MAY BE REQUIRED UNDER ANY ENACTMENT, BYELAW, ORDER OR REGULATION OTHER THAN SECTION 57 OF THE TOWN AND COUNTRY PLANNING ACT 1990.



ITEM NO:

<u>Location:</u> Land At 25-35 John Baker Place And 1-36

**Freemans Close** 

Hitchin Hertfordshire

Applicant: Mrs S Virji

<u>Proposal:</u> Development A - Full planning application comprising :

Phase 1 - construction of a five storey block containing 37 x one bedroom apartments (affordable retirement living tenure), ground floor supermarket (Class A1) and hot food takeaway unit (Class A5) and Phase - 2 construction of two x four storey residential apartment blocks containing 24 x one bedroom apartments (affordable rent and affordable living tenure) and 6 x one bedroom and 16 x two bedroom apartments (open market housing) together with associated vehicular and pedestrian access, car parking, landscaping and ancillary works, following demolition of existing

buildings.

Development B - Outline planning application comprising: Phase 3 - the erection of 32 x one and two bedroom apartments and 14 x three bedroom houses (open market housing) following demolition of existing buildings. Matters of appearance, landscaping, and

scale are reserved.

Ref. No: 19/01416/HYA

Officer: Tom Rea

Date of expiry of statutory period: 27th January 2020

#### **Reason for Delay**

Negotiations regarding several issues including Highway, parking and transport matters, Surface Water Management, provision of play areas, other infrastructure matters and completion of a satisfactory legal agreement.

# **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 Policies

# 1.1 North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies)

Policy 26: Housing proposals

Policy 29A: Affordable Housing for Urban Local Needs

Policy 51: Development effects and planning gain

Policy 55: Car Parking Standards

Policy 57: Residential Guidelines and Standards

Supplementary Planning Documents

Design SPD

Planning Obligations SPD

Vehicle Parking Provision at New Development SPD (2011)

#### 1.2 National Planning Policy Framework (February 2019)

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

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

Section 15: Conserving and enhancing the natural environment

# 1.3 North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission (Incorporating the Proposed Main Modifications November 2018)

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy

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 T1: Assessment of transport matters

Policy T2: Parking

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 NE1: Landscape

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems Policy NE9: Water quality and environment

Policy NE10: Water conservation and wastewater infrastructure

#### 1.4 Hertfordshire County Council

Local Transport Plan (LTP4 – adopted May 2018)

# 1.5 National Planning Practice Guidance

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

# 1.6 NHDC Council Plan 2020 – 2025 (Approved 21/11/19)

Objective 5: Support the delivery of good quality and affordable housing. Support development John Barker Place.

# 1.7 NHDC Annual Monitoring Report 2018 - 2019

Includes the Council's five year housing land supply figures as at 1<sup>st</sup> April 2019 and the list of Five-year supply sites in Appendix 2.

# 2.0 **Site History**

- 2.1 09/00134/1: Phased regeneration of land comprising: John Barker Place: Relocation of basketball facilities and construction of new community and youth centres following demolition of existing shops and flats in John Barker Place and construction of new shops comprising one Class A1 (shop) unit and one Class A5 (takeaway) unit on alternative site in John Barker Place with 10 two-bedroom flats above Existing Community Centre and Car Park: provision of social housing consisting 15 two and three-bedroom houses together with associated landscaping and parking following demolition of existing community centre Freemans Close: replacement of existing flats with 28 one-bedroom flats, 6 two-bedroom and 11 three-bedroom houses as social housing for North Herts Homes following the demolition of nos 1-36 Freemans Close (inclusive). Withdrawn 3.04.09
- 2.2 09/01423/1: Phased regeneration of land comprising: John Barker Place: Relocation of basketball facilities and construction of new community and youth centres following demolition of existing shops and flats in John Barker Place and construction of new shops comprising one Class A1 (shop) unit and one Class A5 (takeaway) unit on alternative site in John Barker Place with 10 two-bedroom flats above Existing Community Centre and Car Park: provision of social housing consisting 15 two and three-bedroom houses together with associated landscaping and parking following demolition of existing community centre

Freemans Close: replacement of existing flats with 18 one-bedroom flats, 5 two-bedroom houses, 7 three bedroom houses, 4 two/three bedroom houses as social housing for North Herts Homes following the demolition of nos 1-36 Freemans Close (inclusive). Withdrawn 21.03.14

2.2 13/03021/1: Demolition of existing shops, flats and garages and redevelopment of site with housing retail and community facilities comprising: 15 x two-bed houses, 24 flats (22 x two-bed and 2 x one-bed flats), supermarket (Class A1) and takeaway (Class A5) on ground floor of flat block; associated landscaping, parking and new play area. Provision of new pedestrian crossing and visitor parking on John Barker Place. (as amended by plan nos. 11015 wd2.01 (Rev P1), 02 (Rev P1), 04 (Rev P1), 05 (Rev P1), 11(Rev P1), 13 (Rev P1) received 4/2/13). Granted 13.02.15

# 3.0 Representations

3.1 **Site Notice / Adjoining occupiers:** Letters received from residents raising the following matters:

#### Points raised in objection/ raising concerns:

- A children's play area should be an integral part of the development and of an increased / adequate size
- Elderly accommodation above shops is unsuitable due to noise
- 2 Young families and elderly people living close together is not good mix
- Energy calculations required to show the energy efficiency of the scheme
- Electric vehicle charging points are required
- Design and appearance of the new building is overpowering and depressing
- Inadequate car parking leading to congestion
- Development needs to be DDA compliant
- Too many dwellings proposed
- Consider lifts, fire alarms/sprinklers, more gardens, seating and laundry areas, soundproofing between flats.
- Existing flats empty.
- Pive stories too high.
- 2 Existing tenants should be offered options for alternative accommodation
- Loss of light. A lighter brick should be used for Phase 1
- Concern at footpath onto Mattocke Road should be secure
- Loss of privacy

# Points raised in support

- The regeneration is supported and much needed
- JBP is very rundown and underused
- New development will provide much-needed new shops and new park
- New park will be welcomed
- Will attract more locals and boost the local businesses
- Older generation housing will be more apt with close access to local shops to help them maintain independence even if mobility is an issue

#### 3.2 NHDC Environmental Health (noise):

Advises no objection following the receipt of further information and recommends a condition requiring the development to be carried out in accordance with the submitted Noise Assessment and Technical Note.

- 3.3 **NHDC Environmental Health (Land contamination/ air quality):** Recommends a Phase II Environmental Risk Assessment condition and an EV charging point in each town house and EV charging points for every 10 apartments or car club provider for the flat blocks through a scheme to be agreed with the LPA.
- 3.4 **Hertfordshire Highways:** Raises no objections to the development subject to a Planning Agreement to secure various contributions and works and planning conditions.
- 3.5 **NHDC Waste Manager:** Recommends a refuse collection strategy condition for phases 2 and 3 and various requirements for bin storage and collection.
- 3.6 **Hertfordshire Constabulary Crime Prevention Advisor:** Advises that the development should be built to Secured by Design standard. Prefers play area to be located within the development site where there is better natural surveillance.
- 3.7 **Lead Local Flood Authority:** Confirm that they are not in a position to remove their objections. The LLFA seek confirmation of no increased risk in flooding through a flood map and seek further clarity over run-off rates and confirmation from Anglian Water that they will accept the proposed run-off rates discharging from the site.
- 3.8 **NHDC Community Engagement officer:** Supports the application.
- 3.9 **NHS East and North Herts Clinical Commissioning Group:** Recommends contributions towards GP services and Community and METAL Health care services.
- 3.10 **Anglian Water:** Recommends that the development be carried out in accordance with an agreed surface water strategy.
- 3.11 **Environment Agency:** Advises no objections. Recommends advice to the developer with regard to several matters including risk assessment, site investigation, SuDs and contamination.
- 3.12 **HCC Fire & Rescue Service:** Seeks fire hydrants in accordance with HCC Planning Obligations toolkit
- 3.13 **HCC Growth & Infrastructure Unit:** Requests contributions towards Primary and Secondary Education and libraries
- 3.14 **HCC Minerals and Waste Policy team:** Recommends that the development has regard to the advice in the NPPF and the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. Recommends the submission of a Site Waste Management Plan.

# 4.0 **Planning Considerations**

# 4.1 Site and Surroundings

- 4.2 The application site comprises 1.45 hectares (3.6 acres) of land sited within the heart of the Westmill housing estate located on the North West side of Hitchin.
- 4.3 The site has a frontage to John Barker Place, Mattocke Road and Westmill Road and includes the whole of Freemans Close, a residential cul-de-sac of terraces comprising 36 apartments. The southern boundary of the site adjoins The Crescent and the northeast boundary adjoins Michael Muir House. The John Barker Place frontage consists of a three storey building with shop units on the ground floor and six apartments at first and second storey level. At the rear is a parking area, service yard and garages. The site also includes a children's play area (800sqm) and hardsurfaced area formally a Multi-Use Games Area now re-provided adjacent to the Westmill Community Centre.
- 4.4 The area is characterised by three and four storey flatted development along John Barker Place with the area south of the site along Mattocke Road and within Freemans Close being dominated by two storey terraced housing.

# 4.5 **Proposal**

- 4.6 The proposals involve a hybrid planning application seeking part full and part outline planning permission for an extensive and comprehensive redevelopment of the site above involving the re-provision of housing (both flats and houses), shops and play area facilities together with associated infrastructure including access roads, parking facilities and landscaping. Overall 129 residential units would be provided although 6 of these units would replace the flats above the shops and the 36 apartments in Freemans Close.
- 4.7 The detail of the redevelopment can be summarised as follows:

# Full application

#### Phase 1

Phase 1 proposes an L –shaped block of between 3 – 5 stories in height comprising retail units on the ground floor facing John Barker Place (supermarket and takeaway) and 37 x 1 bedroom retirement flats with assisted living facilities including associated office and reception, salon, scooter storage and residents lounge and garden. The block would be of a contemporary design with the fifth floor recessed from all main elevations. The fourth floor would contain a further residents lounge and roof garden. All the flats within this block would have access to a terrace or balcony.

The Phase 1 block would be sited at the junction of John Barker Place and Mattocke Road. The main entrance to the apartments would be off Mattocke Road and the shops would be accessed off John Barker Place. Both frontages would have a new 4 metre wide public footpath separated from John Barker Place by a 3m wide landscaped buffer with new tree planting. Street trees are proposed as part of the footway on Mattocke Road which will also receive a new footpath link into the centre of the redevelopment site. A service yard / access is proposed at the rear of the shop units.

Phase 1 would be predominantly red brick with some grey brick and facing panels and the top floor would be light grey cladding.

Phase 1 would be for affordable retirement living accommodation.

#### Phase 2

Phase 2 proposes two apartment blocks. Phase 2A is sited off the John Barker Place frontage and Phase 2B is sited immediately behind separated by a courtyard garden and walkway. Phase 2 will accommodate 46 one and two bedroom apartments with a mix of affordable and open market units. Phase 2 would be four stories. Phase 2A block would be separated from the carriageway by a 5.5 metre wide footpath and landscaped buffer and set back from the pavement by a 2.5m wide amenity area. The ground floor of both blocks would include refuse and cycle storage areas with block 2A including scooter storage.

Phase 2 will be predominantly buff facing brick with grey facing brick panels. As with phase 1 all of the phase 2 flats will have access to a terrace or balcony.

The tenure of Phase 2A will be split between 12 retirement apartments and 12 affordable apartments for people with general needs. Phase 2B will consist of 22 open market apartments.

# Outline application

#### Phase 3

Phase 3 is the largest part of the redevelopment scheme involving the replacement of the whole of Freemans Close with a combination of 32 one and two bed apartments in one block and 14 three bedroom houses. This area will also feature a children's play area of over 1000sqm. All matters of scale, appearance and landscaping are reserved for further consideration by way or a reserved matters application.

# Access and parking

The existing two vehicular access points off John Barker Place will be retained as part of a circulatory vehicular access through the development site which will allow refuse vehicle access to all parts of the site. A two way access off Westmill Road is retained. Footpath access is provided throughout the site linking Westmill Road, John Barker Place and Mattocke Road. Overall, 117 parking spaces are proposed including 12 disabled spaces.

### 4.8 **Key Issues**

### 4.9 Principle of the development

- 4.10 The application site is located within the urban area of Hitchin and an area designated for housing in the Local Plan (Policy 26, site HR 16 Westmill). In the Emerging Local Plan part of the site (i.e. that excluding Freeman's Close) is identified as the Westmill (John Barker Place) Neighbourhood Centre. As such the ELP protects the centre under policies SP4 (Town Centres, Local Centres and Community Shops) and ETC6 (Local Centres). The mixed use development proposed, including shops, would be consistent with the above adopted plan and emerging plan policies.
- 4.11 In the past few years the Council has consistently supported the regeneration of John Barker Place and this has seen the delivery of a new Community Centre and reprovided Multi-Use Games Area nearby and planning permission granted in 2009 for a similar redevelopment proposal.
- 4.12 More recently the Council has approved in November 2019 its Council Plan (2020 2025). A key objective (Objective 5) in the Plan is to support the delivery of good quality and affordable housing including the provision of sustainable and suitable play provision as part of all larger housing developments and to seek partnerships with Registered Social Landlords (RSL's) to build more social homes. The Objective also seeks to ensure that new developments are designed to integrate them into existing communities and provide a full range of housing including social rented, for families and single people, for young and old. Importantly, the Objective specifically refers to the aim of supporting the John Barker Place development.
- 4.13 It is considered that the proposed development is consistent with planning policy for the area and in line with the Council's aspirations to achieve a fit for purpose, regeneration scheme for John Barker Place that delivers affordable housing of the type and tenure that the local community needs.

#### 4.14 Character and Appearance

- 4.15 The application site is at the centre of the Westmill estate and the prevailing form of development here is relatively high density flatted development of between 3 and 4 stories and terraced housing. Many of the flat blocks have flat roofs particularly in John Barker Place and at the junction with Westmill Road. The high density character of the area continues along Bingen Road and into Moss Way where Dugdale Court consists of many three and four storey blocks of flats. The older part of the estate to the south comprises of two storey terraced housing.
- 4.16 Given the central location within the estate of the application site and the prevailing forms of development described above it is considered that a high density mixed use development, particularly along the John Barker Place frontage as proposed with Phases 1 and 2 would not be out of keeping. The Phase 1 block is of particularly significant scale and is, arguably, at the upper limit of what would be appropriate.

However, the Phase 1 block has been designed to address its prominent corner location and fulfil the requirement of accommodating the retail floorspace necessary to maintain the vitality and viability of this neighbourhood centre. The block reduces in scale to 3 stories along the Mattocke Road frontage to mark a transition in scale down to the two storey housing further south. The fourth (top) floor is recessed in from the main elevations and clad in a contrasting material in order to minimise the bulk and scale of the building. The projecting staircase feature along the John Barker Place frontage together with its grey brickwork breaks up the façade of the building assisted by a suitable proportion of openings to brickwork. The many balconies on all elevations also help in reducing the perceived scale of the building as well as providing relief and interest to the elevations.

- 4.17 The flat blocks on Phase 2 are four storey and again signal the drop in scale away from the main feature, mixed use building on Phase 1 setting an intermediate scale towards the three storey flats at Michael Muir House at the junction with Westmill Road. Phase 2 is, nevertheless, of the same storey height as the existing flats opposite.
- 4.18 The street scene drawing (AEL 300) demonstrates how the wide frontage that is John Barker Place can comfortably accommodate the scale of the blocks on Phase 1 & 2. Significant gaps are maintained between the two phases and Michael Muir House on the south side of the carriageway and the 25m distance between the blocks and flats opposite is not dissimilar to the existing pattern of development along John Barker Place.
- 4.19 Red brickwork is the predominant material used on existing buildings in this part of John Barker Place which then gives way to lighter coloured brickwork and other materials such as render towards the periphery of the centre. The proposal red and buff coloured brickwork for Phases 1 and 2 provides a contrast between the two buildings and introduces some degree of variety into the street scene. The use of brickwork as the main external material is consistent with the widespread use of brick work in this part of the estate and is a material known for its longevity, superior weathering characteristics and low maintenance.
- 4.20 There are several key areas of public realm throughout this development. Firstly, the wide public footpath along John Barker Place is maintained and enhanced with soft landscaping and planting. In particular the footway around Phase 1 is of a significant width (between 4 and 5 metres) which allows for ease of circulation and access into the retail units as well as parking for cycles, buggies and scooters. Secondly, there are two courtyard gardens to Phases 1 & 2 and the internal footpaths with crossing points provide for a legible, pedestrian friendly environment. Finally, a children's play area comprising of two parcels of land is set aside within Phase 3. The whole of the site is extremely permeable and well integrated with adjoining roads in the estate with the pedestrian access points on Westmill Road and Mattocke Road, a footway link maintained to The Crescent in addition to the two access points onto John Barker Place.

- 4.21 The proposed development is without question of significant scale and density however by and large this is reflective of the surrounding pattern of development and commensurate with the site's location at the centre of the estate close to the community centre and school and as a local shopping destination. The development will establish a strong sense of place, has the potential to function well with its permeable layout and will add to the overall quality of the area in the longer term.
- 4.22 In view of all of the above it is considered that the development would not be harmful to the character and appearance of the area.

# 4.23 Impact on the living conditions of existing and future residents

- 4.24 With regard to the impact of the development on existing residents I consider that the redevelopment of the existing shops and play area with better quality and larger facilities would benefit existing residents and help to reduce crime and anti-social behaviour in the locality, improving the pedestrian access and landscaping in the area, providing play areas for children that have natural surveillance from housing and generally contributing to an enhanced living environment. It is not anticipated that the re-provision of the shopping facilities will involve any greater levels of noise and disturbance than the existing use particularly with the benefit of up to date building fabric including high performance glazing. The submitted noise survey concludes that the pattern of usage of the proposed retail unit and takeaway are expected to be the same as the current situation and that no mitigation is considered necessary and I would agree with this view. It is recommended however that full details of the fume extraction system for the A5 takeaway unit is secured by condition.
- 4.25 Whilst the siting of the blocks on Phases 1 & 2 will affect the outlook from the nearest properties in Mattocke Road the distances are such that residential amenity is unlikely to be affected. In terms of the direct impact of the block on Phase 1 the Mattocke Road properties are to the south of Phase 1 and therefore there would be no loss of daylight / sunlight and the separation gap with the intervening footpath does provide some buffer space. Furthermore the rearwards projection of Phase 1 does not breach a 45 degree angle of view from the rear elevation of No. 45 Mattocke Road.
- 4.26 The properties in Westmill Road and The Crescent will experience a different outlook however again the distances are such that residential amenity is unlikely to be adversely affected.
- 4.27 In terms of living conditions of the proposed residents there has been some concern that noise from the shops units would affect occupiers of the retirement accommodation and that young families and elderly residents living in close proximity to each other is 'not a good mix'.
- 4.28 In terms of the shop units noise, the submitted Noise Assessment and its Technical Note Addendum (November 2019) sets out the various sound performance requirements for the blocks on Phase 1 and Phase 2 analysing each façade and every floor in the blocks and assessing the required glazing and ventilation mitigation necessary. It also assesses the performance requirements for the residential accommodation on Phase 3 (all floors).

The Noise Assessment has been carried out by professional noise consultants and has had regard to British Standards (BS) 8233: 2014, & (BS) 4142: 2014 + A1: 2019, World Health Organisation (WHO) Guidelines for Community Noise and other noise standards, legislation and guidance. Sound surveys were undertaken to establish typical sound levels at the site including traffic noise. The assessment has taken has taken into account the expected delivery times for the retails units and the opening hours of both the shop and takeaway. The noise survey readings suggest that a the maximum required sound reduction performance for Phase 1 & 2 would be 32dB which can be achieved with a high performance glazing unit such as a Pilkington Insulight unit. Standard thermal double glazing is sufficient for any other location requiring a sound reduction performance of 25dB or less. Standard background ventilation such as trickle ventilation can be used to allow residents to open windows and control heating. The noise assessment concludes that with use of appropriate glazing and ventilation specification noise will not pose a constraint to the development. The Council's Environmental Health officer has advised that the noise report is acceptable and proposes a condition that the development is carried out in accordance with the suggested mitigation.

- 4.29 The accommodation provided in Phases 1 and 2 meet the minimum space standards as set out in the Governments published document 'Technical housing standards nationally described space standard (as amended May 2016).
- 4.30 In terms of the concern regarding retirement accommodation and family accommodation being in close proximity to each other it is important to have regard to the following:

<u>Existing demographics</u> – this part of the Westmill estate is characterised by its variety of accommodation types and wide population age range. The juxtaposition of elderly, family houses and young persons accommodation in close proximity to each other is a strong feature of the existing community.

Westmill Lawns – the proposal is to re-provide the retirement accommodation at Westmill Lawns into Phases 1 and 2A. Westmill Lawns is already part of the estate and a short distance from the site and the community consultation carried out by the applicants identified that the current occupiers wished to stay in the locality and remain part of the community. Indeed the development is entirely appropriate for retirement living as it provides access to the facilities necessary and / or desirable for this type of accommodation.

<u>Planning policy guidance</u> - national planning policy advice requires planning decisions to achieve healthy, inclusive and safe places for people to live and which promotes social interaction through, for example, mixed use developments and strong neighbourhood centres that are easily accessible.

4.31 The John Barker Place development provides for an inclusive environment that meets the needs of the local community. The design meets the needs of a range of users including disabled people, older people and families with children. It includes shops and a play area, is close to the primary school and community centre and a short walk from a large area of public open space (Swinburne Recreation Ground).

Phases 1 & 2 are focussed on meeting the needs of older people providing accommodation that is suited to their requirements helping them to live independently for longer and more connected to their communities helping to reduce costs to the social care and health systems. Phase 3 is more family orientated accommodation separated from the first two phases but still an integral part of the development and the community as a whole. In short I consider this development to be inclusive and accessible to all enabling people from all parts of the community to benefit without discrimination and disadvantage in housing.

4.32 In summary it is considered that the development will achieve acceptable living conditions for existing and prospective residents.

# 4.33 Highway, access and parking matters

#### 4.34 Access

The application is supported by a detailed Transport Assessment which sets out the existing highway and accessibility conditions that affect the site, assesses what the trip generation and distribution of traffic is likely to be, analyses the impact of the development on existing key junctions and their capacity to absorb the development and assesses car parking requirements.

- 4.35 The site is currently considered to be highly accessible. There are 4 bus stops within several minutes walk of the site (Swinburne Avenue, Moss Way, Westmill Road and Milestone Road and there is a continuous network of generally wide footpaths in the area providing routes to several destinations and a range of services including nearby schools, Oughtonhead Common, the Redhill Road neighbourhood centre and Hitchin Town Centre. The topography of the area is generally flat and the roads and pavements well lit. As such the location of the site is conducive to the use of public transport, mobility scooters and cycling as well as generally being a pedestrian friendly environment. The redevelopment of the site would generally be in accordance with Hertfordshire County Council's Local Transport Plan (LTP4) policies aimed at providing developments in locations which support and encourage the greater and safer use of sustainable transport modes and generally reduce travel demand (Policies 1, 2, 3 & 5).
- 4.36 The development envisages the re-use of the existing vehicular access points off John Barker Place and Westmill Road and maintains a pedestrian access off Mattocke Road. The access roads and footpaths are proposed at a standard considered acceptable by the Highway Authority. The layout can satisfactorily accommodate refuse vehicles and refuse storage areas are within recommended pull distances. In addition, the tracking diagram confirms satisfactory access for emergency and other service vehicles.
- 4.37 Pedestrian and cycle linkages to and from this development have been well considered. There are several routes through the site two into John Barker Place, two leading onto The Crescent, and one each onto Westmill Lane and Mattocke Road. New footways will be at least 2m wide widening in places to achieve greater shared space improving permeability and connectivity.

- 4.38 A number of highway mitigation measures are proposed through consultation with the Highway Authority. These provisions and any associated works will be secured through the legal agreement, planning conditions and a Section 278 Highway Agreement They include:
  - Funding towards the provision of a dedicated on-carriageway cycle route along Bedford Road linking Hitchin town centre and northern Hitchin serving local schools
  - Local bus stop improvements (including shelters and information screens)
  - New pedestrian crossing facility in John Barker Place
  - Widening of exiting footways
  - Pedestrian dropped kerbs and tactile paving across Westmill Road to access bus stops
  - Travel information and vouchers as part of Travel Plan

# 4.39 <u>Traffic generation</u>

The TA has assessed the traffic generation of this development using the recognised TRICS database method. The Highway Authority advises that the traffic generation would not present an unacceptable impact on local highway conditions and would not constitute a 'severe' increase in traffic. In terms of existing junction capacity to accommodate the development (taking into account traffic growth forecast) the Highway Authority is satisfied that all of the affected junctions would operate well within capacity. The authority will monitor the submitted Framework Travel Plan for the Residential and Retail elements of the scheme which are designed to encourage non-car modes of travel to and from the development in accordance with Hertfordshire County Council's Local Transport Plan (LTP4) policies.

#### 4.40 Construction Traffic Management

A Construction Traffic Management Plan is required by a planning condition and will be agreed in consultation with the Highway Authority. This is a phased development and the programme of works will be managed in order to minimise the impact of Construction traffic on the local highway network. A condition is recommended concerning the provision for Traffic Regulation Orders if required both during the construction phase and the operational phase of the development.

# 4.41 Parking

The parking assessment and provision for this development has been informed by a parking survey (existing on-street occupancy), the requirements of the Council's parking standards SPD document and the type and tenure of the accommodation proposed, the location of the site and access to various modes of transport and the submitted Travel Plan.

4.42 The mix of uses on this development include Class A1, A5, C2 (Residential Institutions) and Class C3 (General residential). The Class A1 and A5 uses are already operational and parking for these uses has been included in the parking survey which reveals that there is a maximum on-street parking demand of 60% (97 parking spaces occupied out of 161 spaces). The sustainable location of the site allows for a reduction in parking demand in accordance with the SPD guidance and it has been calculated that the maximum parking demand for this development, taking into account all of the above factors would be 149 spaces.

The proposed development is to provide 117 spaces. Taking into account the relatively low levels of car ownership in the Hitchin Oughton ward together with the capacity of the existing highway to accommodate on-street parking, in addition to all of the sustainable transport measures referred to above, it is considered that the on-site car parking provision is appropriate for this development.

#### 4.43 Cycles and mobility scooters

Secure mobility scooter storage is provided for in Phases 1 and Phase 2. Secure cycle parking is provided in Phase 2. In addition there is external rack cycle storage provided in various locations convenient for the various land uses (shop, takeaway and retirement living apartments). Phase 3 cycling and scooter storage will be provided at the reserved matters stage when more detailed proposals of the design, appearance, scale and landscaping of the development will be submitted. The Highway Authority have expressed some reservations over the amount of short stay cycle provision and the type (e.g. the vertically hanged cycle spaces are not child friendly and difficult to use for some cycle types) and therefore a planning condition securing further details and provision overall is recommended.

4.44 In summary, taking into account the accessible location of the site and the alternative options for transport other than the private car, the package of measures to mitigate the highway impact of the development and the fact there is no objection to this scheme from the Highway Authority, it is considered that the proposals are acceptable in highway and transport terms. In reaching this conclusion I am also mindful of the advice at Paragraph 109 of the NPPF which states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

# 4.45 Affordable housing and housing mix

- 4.46 Previous proposals for the redevelopment of John Barker Place have been largely dominated by provision of affordable housing comprising a range of tenures and household sizes. The proposed scheme is also a primarily affordable housing scheme when considering that a significant part of Phases 1 and 2 would secure the reprovision of existing affordable accommodation at Freemans Close and nearby Westmill Lawns. Whilst part of Phase 2 and Phase 3 propose open market accommodation, the Council will expect 40% of these as affordable units to achieve a policy compliant level of affordable housing consistent with emerging local plan Policy HS2. A condition is recommended to ensure the open market element of the scheme, including phase 3, delivers affordable housing in line with the local plan.
- 4.47 Emerging Local Plan policy HS3 ('Housing Mix') seeks a target of 60% larger (3+ bed) and 40 % smaller (1 or 2 bed) homes to ensure an overall mix is achieved. Setting aside the re-provision element, phase 2B and Phase 3 would provide 20.6% larger and 79.4% smaller units. The policy does allow flexibility of housing mix taking into account the location of the site and prevailing density. The local affordable housing need, which is for smaller units, is also a key consideration.

4.48 The development will secure a significant amount of affordable housing in excess of planning policy requirements when considered as a whole. In addition the development will enable improved standard of accommodation for existing tenants on the site and those nearby in Westmill Lawns. The housing mix is in accordance with Policy HS3 which takes into account the density, scale and character of development appropriate to its location and surroundings.

# 4.49 Environmental mitigation

- 4.50 The environment is one of the three elements of sustainable development as defined by the National Planning Policy Framework. The relevant environmental implications have been considered within this report and balanced against the other two elements namely the social and economic impacts. However, the recommendation below is offered on the basis that the following measures will help to offset the schemes impact in relation to climate change:
  - Requirement for Electric Vehicle charging points
  - Fewer parking spaces and a requirement to operate the scheme in accordance with a travel plan in order to encourage walking and cycling rather than carbon based transport
  - Provision of retail uses as part of the scheme and proximity to other services and facilities
  - High performance external envelopes to the buildings to include robust thermal insulation and high performance glazing and windows.
- 4.51 Although an energy assessment document has been submitted as an addendum to the Sustainability section of the Design and Access statement a condition is recommended to secure full and specific details of energy reduction and efficiency measures following a fuller assessment prior to the construction phase.

#### 4.52 **Planning Obligations**

4.53 In considering Planning obligations in relation to this development the Framework (paragraph 56) 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.
The Community Infrastructure Regulations 2010 (regulation 122) coincides

rine Community Intrastructure Regulations 2010 (regulation 122) coincides with the above requirements of the Framework.

- 4.54 The applicant has submitted a Unilateral Undertaking which offers the following infrastructure contributions:
  - Health Care General Medical Services GP provision in Hitchin (£48,130.61)
  - Libraries enhancement of Hitchin library (£9,739.00)
  - Primary education expansion of Oughton Primary School (£69.036.00)

- Secondary Education expansion of The Priory School, Hitchin (£54,440.00)
- Sustainable Transport £60,125.00 (bus stop enhancements and cycle route)
- Travel Plan monitoring (£6,000)
- NHDC Waste collection and recycling (£3,984.00)
- 2 Youth services capacity improvements to Nightingale House, Hitchin (£1,247.00)
- 4.55 It is considered that the above contributions, as negotiated by the Local Planning Authority and agreed by the applicant, meet the tests set out in paragraph 56 of the NPPF and mitigate the impact of the development to an acceptable degree.

#### 4.56 Other matters

4.57 At the time of writing this report there remains an objection from the Lead Local Flood Authority on technical matters relating to the surface water run-off discharge rates and the capacity of the existing infrastructure. Further information has been received from the applicants to address the concerns raised and the LLFA has been reconsulted. An update will be available at the Committee meeting. At present however any recommendation to grant permission for this development will be subject to the resolution of the objection of the LLFA.

# 4.58 **Planning Balance**

- 4.59 The Council is currently unable to demonstrate a 5 year supply of housing land and in these circumstance permission should be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits of the development.
- 4.60 The proposed development will provide 129 units of residential, accommodation, a significant proportion of which would be affordable housing. The accommodation includes a substantial element of elderly accommodation at a time when it is well known that the number and proportion of older residents in the community is growing. The re-provision of accommodation from Westmill Lawns is likely to free up that site for further housing need. This development also includes 14 family sized homes within Phase 3. A new supermarket approximately one third larger than the existing shop is proposed. These are social and economic benefits of some significance in the planning balance.
- 4.61 The scheme will introduce significant form and scale of buildings into the aspect currently enjoyed by some residents and the play area moved to an arguably less central location. The re-provided play area will also not be available until the latter stages of the development. That said, I do not consider that nearby occupiers will suffer undue harm to their residential amenity and the play area proposed will be larger than the existing facility and under close natural surveillance close to family homes.
- 4.62 The scheme would underprovide car parking against current standards. However, the available evidence suggests that this will not result in any significant harm. Furthermore, the scheme promotes a switch from the private car to sustainable transport modes in line with Local Transport Plan policies and there is no objection raised by the Highway Authority.

- 4.63 In environmental terms, there will be some negative impact as a consequence of high density development e.g. traffic generation, noise and CO2 emissions. That said the scheme seeks to include on-site renewable and low carbon technologies to minimise energy use (for example EV charging points) and contribute positively to environmental sustainability. Ultimately however, the application site is previously developed land and the development would be in step with NPPF advice which encourages the re-use of such land within settlements to meet identified housing need where land supply is constrained and where available sites could be used more effectively. The NPPF states that substantial weight should be given to the value of using brownfield land.
- 4.64 Lastly, the new Council Plan 2020 2025 expressly supports the development of John Barker Place.
- 4.65 In summary, I am of the view that the adverse impacts of this development would not significantly and demonstrably outweigh the benefits. As a consequence, the presumption in favour of sustainable development and the granting of planning permission applies, as directed by paragraph 11 of the National Planning Policy Framework.

#### 4.66 Conclusion

4.67 The proposal is acceptable in planning, environmental and highway terms.

# 4.68 Alternative Options

None applicable

#### 4.69 Pre-Commencement Conditions

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

#### 5.0 Legal Implications

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

### 6.0 **Recommendation**

- 6.1 That planning permission be **GRANTED** subject to:
  - A) A satisfactory resolution to the objection raised by the Lead Local Flood Authority and the applicant agreeing to an extension of time to the statutory period as required;
  - B) The submitted Unilateral Undertaking and the following conditions:

#### **Development A**

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 submitted details and prior to the commencement of the relevant phase precise details of the external materials, including windows, for phases 1 and 2, shall be submitted to and approved in writing by the Local Planning Authority.

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

4. The development shall not begin until a scheme for the provision of at least $40%$ affordable
housing as part of the development has been submitted to and approved in writing by the local
planning authority. The affordable housing shall be provided in accordance with the approved
scheme and shall meet the definition of affordable housing in the NPPF or any future guidance
that replaces it. The scheme shall include:

☐ the numbers, type and tenure on the site of the affordable housing provision to be made;
☐ the arrangements to ensure that such provision is affordable for both first and subsequent
occupiers of the affordable housing; and
□ the occupancy criteria to be used for determining the identity of occupiers of the affordable
housing and the means by which such occupancy criteria shall be enforced.

Occupation of the development hereby permitted shall thereafter be undertaken in accordance

with the approved affordable housing scheme unless otherwise agreed in writing by the Local Planning Authority.

This condition shall not be binding on :- a mortgagee or chargee (or any receiver(including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT such mortgagee or chargee (or any receiver appointed thereby) or administrator (howsoever appointed) including a housing administrator acting pursuant to any event of default shall first give written notice to the Council of its intention to dispose and shall have used reasonable endeavours over a period of twelve weeks from the date of the written notice to dispose of the affordable housing unit(s) to another registered social landlord or to the council for a consideration not less than the amount due and outstanding to the mortgagee or chargee

under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the mortgagee or chargee in respect of the mortgage or charge. If such disposal has not taken place within the twelve week period, the mortgagee, chargee or receiver shall be entitled to dispose of the affordable housing unit(s) free from the affordable housing provisions in this Planning Permission which shall determine absolutely.

Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing.

5. The development hereby permitted shall be carried out in accordance with the noise mitigation measures (glazing and ventilation performance) detailed in the submitted 'Noise Assessment for John Barker Place, Hitchin' (dated 31st October 2019) by Resound Acoustics Limited and Appendix A of Technical Note, "John Barker Place Hitchin – Glazing Assessment", Reference RA00639-TN1 dated 27 November 2019 by Resound Acoustics. Once implemented the development the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect the residential amenity of future residents within the relevant phase of the development.

6. The development hereby permitted shall be carried out and operated in accordance with the measures set out in the submitted Residential and Retail Travel Plans (Paul Basham Associates, dated November 2019). The travel plans shall be made available for inspection in the future by the local planning authority upon receipt of a written request to do so.

Reason: To ensure the scheme is operated in accordance with an agreed travel plan in the interests of promoting sustainable travel.

- 7. Notwithstanding the information submitted, full details of landscaping shall be submitted to and approved in writing by the local planning authority prior to works commencing to implement this permission. The landscaping details shall include:
  - Details of all hard landscape surfaces
  - Details of all new trees and shrubs including species, size and planting densities
  - Details of all trees and shrubs to be removed
  - Landscape maintenance arrangements

Reason: To safeguard the appearance of the completed scheme

8. 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.

- 9.
- No development (excluding demolition) approved by this permission shall be (a) commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
  - 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
- No development approved by this permission (other than that necessary for the (b) discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
- (c) This site shall not be occupied, or brought into use, until:
  - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
  - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (d) Any contamination, other than that reported by virtue of condition (a) 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.

10.

- (a) Prior to occupation, each apartment block, shall incorporate one EV ready domestic charging point for every 10 apartments and these shall be made available to its residents and managed and maintained by the management company(ies) appointed as responsible for each apartment block.
- (b) Prior to occupation, a contract shall be entered into with a private provider to operate an EV car club for the residents of the apartment blocks for a period, scope and a level of provision to be agreed in writing with the LPA.

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

11. Prior to the commencement of the development hereby permitted full and specific details of the energy reduction and efficiency measures to be installed in Phases 1 and 2 of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in accordance with local and national policies aimed at mitigating the environmental impacts of development and adapting to climate change.

12. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

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

13. Prior to its installation and operation full details of the fume extraction equipment for the proposed Class A5 takeaway unit proposed within Phase I shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

14. The opening hours of the retail uses within the development shall be restricted to between 0630 hours and 23.00 hours on any day.

Reason: In the interests of residential amenity

15. Prior to the first occupation of the development hereby permitted the vehicular accesses (indicated for improvement on drawing number 1000.0005.006 Rev C Extent of Highway Boundary) shall be upgraded in accordance with the Hertfordshire County Council residential construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Prior to use arrangements 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 construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

16. Before the development is brought into use, signs in compliance with Diagrams 833/834/835/836 as set out in the Traffic Signs Regulations and General Directions 2002 (or any Order/Act revoking, amending or re-enacting those Regulations) shall be provided and thereafter retained at the means of ingress and egress in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and traffic movement.

17. Prior to the first occupation of the development hereby permitted any Traffic Regulation Orders (TROs), including for parking restrictions / waiting restrictions / that are required as part of improving access and accessibility to the site must be secured in place and implemented.

Reason: In the interests of highway safety, amenity and capacity to ensure free and safe flow of traffic and to be in accordance with Policies 4, 5, 12, 15 and 17 of Hertfordshire's Local Transport Plan (adopted 2018).

18. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

19. No gate / door / ground floor window if installed shall open outwards over the highway.

Reason: In the interests of highway safety.

20. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. This should be based on the Hertfordshire's Construction Management Template available from <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans</a>. The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

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).

21. The development hereby permitted shall not be occupied until the works to provide real Time Information screen and Kessel kerbs at the bus stop in Westmill Road, Real time information screen at the bus stop in East Milestone Road, Shelter, Kessel Kerbs, Real time information screens at the bus stop in Moss Way have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

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

22. Prior to first use of any external fixed plant and/or machinery, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the plant noise limits detailed in Table 5.1 of "Noise Assessment for John Barker Place, Hitchin", Report reference RA00639-Rep1, dated October 2019 by Resound Acoustics, will not be exceeded when measured or calculated according to the provisions of BS4142:2014 (Method for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Reason: to protect the residential amenities of existing and future residents

23. Prior to the commencement of the development hereby approved a Site Waste Management Plan to include the details required by the Hertfordshire County Council's Minerals and Waste Policy team, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: The adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012

24. Notwithstanding the submitted details and prior to the first occupation of the development hereby approved further details of residential and visitors cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards contained in Policy 1 and 5 of the Hertfordshire's Local Transport Plan 4 and in accordance with the North Hertfordshire's parking standards.

#### **Development B**

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

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

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

3. The development shall not begin until a scheme for the provision of at least 40% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority.

The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

the numbers, type and tenure on the site of the affordable housing provision to be made; the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The 40% housing shall include units within phase 3 from the development in view of the reprovided accommodation on phases 1 and 2a from Westmill Lawns and Freeman's Close.

Occupation of the development hereby permitted shall thereafter be undertaken in accordance with the approved affordable housing scheme unless otherwise agreed in writing by the Local Planning Authority.

This condition shall not be binding on :- a mortgagee or chargee (or any receiver(including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver OR any of the affordable housing units of which a registered provider shall be required to dispose pursuant to a right to acquire under Part V of the Housing Act 1985 or Section 16 of the Housing Act 1996 or any similar or substitute right applicable or shall be required to sell to a tenant with the benefit of a voluntary purchaser grant provided under Sections 20 and 21 of the Housing Act 1996 (or any similar provision in any subsequent legislation) or any voluntary disposal to a tenant OR bind any service supplier that purchases or leases or takes a transfer of any part of the Affordable Housing Units or any voluntary disposal to a tenant OR apply to any affordable housing unit demised by way of a shared ownership lease where the lessee or any assignee of such lease has staircased his her or their interest in that unit such that he she or they acquire one hundred per cent (100%) of the equity in that unit. These obligations shall not be binding on a mortgagee or chargee or a receiver appointed by mortgagee or chargee or any successors in title to such mortgagee chargee or receiver in relation to a shared ownership lease.

Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing.

4. The development hereby permitted shall be carried out in accordance with the noise mitigation measures (glazing and ventilation performance) detailed in the submitted 'Noise Assessment for John Barker Place, Hitchin' (dated 31st October 2019) by Resound Acoustics Limited and Appendix A of Technical Note, "John Barker Place Hitchin – Glazing Assessment", Reference RA00639-TN1 dated 27 November 2019 by Resound Acoustics. Once implemented the development the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect the residential amenity of future residents within the relevant phase of the development.

5. The development hereby permitted shall be carried out and operated in accordance with the measures set out in the submitted Residential and Retail Travel Plans (Paul Basham Associates, dated November 2019). The travel plans shall be made available for inspection in the future by the local planning authority upon receipt of a written request to do so.

Reason: To ensure the scheme is operated in accordance with an agreed travel plan in the interests of promoting sustainable travel.

6.

- (a) No development (excluding demolition) 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:
  - (iii) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
  - (iv) The results from the application of an appropriate risk assessment methodology
- (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
- (c) This site shall not be occupied, or brought into use, until:
  - (iii) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
  - (iv) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (d) Any contamination, other than that reported by virtue of condition (a) 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.

7.

- (a) Prior to occupation, each of the 14 town-houses, shall incorporate one Electric Vehicle (EV) ready domestic charging point.
- (b) Prior to occupation the apartment block in Phase 3 shall incorporate one EV ready domestic charging point for every 10 apartments and these shall be made available to its residents and managed and maintained by the management company(ies) appointed as responsible for each apartment block.
  OR
- (c) Prior to occupation, a contract shall be entered into with a private provider to operate an EV car club for the residents of the apartment blocks for a period, scope and a level of provision to be agreed in writing with the LPA.

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.

8. Prior to the commencement of the development hereby permitted full and specific details of the energy reduction and efficiency measures to be installed in Phase 3 of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in accordance with local and national policies aimed at mitigating the environmental impacts of development and adapting to climate change.

9. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

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

10. Prior to the first occupation of the development hereby permitted the vehicular accesses (indicated for improvement on drawing number 1000.0005.006 Rev C Extent of Highway Boundary) shall be upgraded in accordance with the Hertfordshire County Council residential construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Prior to use arrangements 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 construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Before the development is brought into use, signs in compliance with Diagrams 833/834/835/836 as set out in the Traffic Signs Regulations and General Directions 2002 (or any Order/Act revoking, amending or re-enacting those Regulations) shall be provided and thereafter retained at the means of ingress and egress in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and traffic movement.

12. The existing pedestrian access points from the application site leading to The Crescent shall be permanently maintained as part of the approved development unless otherwise approved in writing by the Local Planning Authority

Reason: In the interests of maintaining pedestrian permeability and integration with the surrounding residential environment

13. Prior to the first occupation of the development hereby permitted any Traffic Regulation Orders (TROs), including for parking restrictions / waiting restrictions / that are required as part of improving access and accessibility to the site must be secured in place and implemented.

Reason: In the interests of highway safety, amenity and capacity to ensure free and safe flow of traffic and to be in accordance with Policies 4, 5, 12, 15 and 17 of Hertfordshire's Local Transport Plan (adopted 2018).

14. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

15. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. This should be based on the Hertfordshire's Construction Management Template available from <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans</a>. The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

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).

16. The development hereby permitted shall not be occupied until the works to provide real Time Information screen and Kessel kerbs at the bus stop in Westmill Road, Real time information screen at the bus stop in East Milestone Road, Shelter, Kessel Kerbs, Real time information screens at the bus stop in Moss Way have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

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

17. Prior to first use of any external fixed plant and/or machinery, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the plant noise limits detailed in Table 5.1 of "Noise Assessment for John Barker Place, Hitchin", Report reference RA00639-Rep1, dated October 2019 by Resound Acoustics, will not be exceeded when measured or calculated according to the provisions of BS4142:2014 (Method for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Reason: to protect the residential amenities of existing and future residents

18. Prior to the commencement of the development hereby approved a Site Waste Management Plan to include the details required by the Hertfordshire County Council's Minerals and Waste Policy team, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: The adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012

#### Informatives:

# **Environmental Informatives**

1) EV Charging Point Specification:

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

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

- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
- A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <a href="https://www.gov.uk/government/organisations/office-for-low-emission-vehicles">https://www.gov.uk/government/organisations/office-for-low-emission-vehicles</a>

During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 08.00hrs Monday to Saturday, nor after 18.00hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

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

# **Highway Informatives:**

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 requirement as part of the offsite s278 works is to: • Upgrades to three access junctions in John Barker Place; • Provision of tactile paving at the junction of John Barker Place and Westmill Road; • new pedestrian crossing facility in John Barker Place; • Widening of the footway to a minimum of 2.5m or 3m along the John Barker Place and Matocke Road site's frontage; • Removal of any proposed lay-by parking • Pedestrian dropped kerbs and tactile paving across Westmill Road to access Milestone Road bus stop The details should be included as part of the s278 drawing as part of the required highway work in conjunction with the development.

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

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 <a href="https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx">https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx</a> or by telephoning 0300 1234047.

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 available the website: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/business-licences/business-licences.aspxor telephoning 0300 by 1234047

#### **Proactive Statement:**

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

# NORTH HERTFORDSHIRE DISTRICT COUNCIL

# **Application Validation Sheet**

19/01416/HYA Land at 25-35 John Barker Place and 1-36, Freemans Close, Hitchin, Herts





Scale 1:1,250

Date: 08/01/2020



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# NORTH HERTFORDSHIRE DISTRICT COUNCIL

22/02628/FP Land at 1-36 Freemans Close, Hitchin, Hertfordshire



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# Agenda Item 9

**Location:** Land East Rhee Spring and Orwell View

Royston Road Baldock

Hertfordshire

Applicant: Chalkdene Developments LLP

Proposal: Proposed residential development for 42 dwellings,

access, parking, landscaping and associated works, including provision of an electrical sub-station (as amended by plans and documents received 23.08.2022,

29.09.2022, 20.12.2023 and 27/02/24).

Ref. No: 21/01882/FP

Officer: Anne McDonald

Date of expiry of statutory period: 16.09.2021

#### Reason for delay

The application was initially delayed due to consideration of the site BA1, which lies to the north of this application site. At that time it was considered by the (then case officer of this application and the application for site BA1) that both applications should be considered together. However, the application for BA1 was withdrawn and this application has progressed to recommendation.

Regarding this application, there has been delays due to the assessment of the viability of the development and the negotiations of the S106 Heads of Terms. An extension to the statutory determination date has been agreed.

## Reason for referral to committee

The application is recommended to planning control committee in accordance with the Council's Constitution on the basis that the application is for residential development with a site area greater than 0.5 ha. The site area is 1.84 ha.

#### Plan numbers

Due to the number of plans these are attached as a list in Appendix 1.

#### **Supporting documents**

- 1. Design and Access Statement original document and addendum.
- 2. Planning Statement.
- 3. Statement of Community Involvement.
- 4. Heritage Statement.
- 5. Schedule of Accommodation.
- 6. FRA Report and appendices A, B, C, D, E, F, G, H, I and J.
- 7. Drainage Strategy Report.
- 8. Drainage Operations and Maintenance Manual.
- 9. Drainage Construction Notes and typical details sheets 1, 2 and 3.
- 10. Air Quality Assessment.
- 11. Transport Statement and Transport NotePage 183

13. Ph 14. No 15. Bio 16. Pre 17. Re 18. Tre 19. To	ndscape and Visual Impact Appraisal. ase II Site Investigation Report parts 1 and 2. ise Impact Assessment. odiversity Impact Assessment. eliminary Ecology Appraisal. ptile Mitigation Strategy. ee Survey and Arboricultural Impact Assessment. pographical Survey. alkdene Viability Report. This report is attached in full at Appendix 2.
1.0	Policies
1.1	National Planning Policy Framework December 2023:
1.2	In general and with regard to:
	<ul> <li>Section 2 – Achieving sustainable development;</li> <li>Section 5 – Delivering a sufficient supply of homes;</li> <li>Section 9 – Promoting sustainable transport;</li> <li>Section 11 – Making effective use of land;</li> <li>Section 12 – Achieving well-designed and beautiful places;</li> <li>Section 15 – Conserving and enhancing the natural environment.;</li> </ul>
1.3	North Hertfordshire District Local Plan 2011-2031
	SP1 - Sustainable development in North Hertfordshire; SP2 - Settlement Hierarchy; SP6 - Sustainable transport; SP7 - Infrastructure requirements and developer contributions; SP8 - Housing; SP9 - Design and Sustainability; SP10 - Healthy Communities; SP11 - Natural resources and sustainability; SP12 - Green infrastructure, biodiversity and landscape; T1 - Assessment of transport matters; T2 - Parking; HS2 - Affordable housing HS3 - Housing mix; HS5 - Accessible and adaptable housing D1 - Sustainable design; D3 - Protecting living conditions; D4 - Air quality; NE2 - Landscape; NE4 - Bio-diversity and geological sites; NE5 - Protecting open space NE7 - Reducing flood risk; NE8 - Sustainable drainage systems; HE4 - Archaeology.
1.4	Supplementary Planning Document.
	<ul><li>SPD – Vehicle Parking at New Developments;</li><li>SPD – Planning Obligations.</li></ul>

G3 – Creating well-designed places;
G4 – Sustainable design;
E1 – Transport and air quality;
E2 – Green Infrastructure and outdoor recreation;
E3 – Managing construction impacts;
E4 – Building strong communities;
E6 – Royston Road;

# 2.0 Site History

- 2.1 Application 18/00097/OP proposed up to 47 dwellings with a new access on to Royston Road and was withdrawn due to highways objecting to the access off Royston Road.
- 2.2 Application 20/02708/PRE sought a view on the residential development of the land for up to 46 dwellings. This proposed the vehicle access off Constantine Place and Aleyn Way. This concluded that the proposed was acceptable in principle.

## 3.0 Representations

- 3.1 **HCC Highways** no objection subject to conditions, informatives and a S106 contribution towards local sustainable transport measures.
- 3.2 **HCC LLFA** no objection subject to conditions.
- 3.3 **HCC Growth and Infrastructure** S106 contributions are required toward childcare services, special education needs, library, youth and waste services.
- 3.4 **HCC Archaeology** The site was subject to an archaeological trial trench evaluation in 2004 (Albion Archaeology 2004). No heritage assets which were likely to be a constraint on development were identified, although the report notes that archaeological features dating to the post-medieval period were found and Roman and medieval finds were recovered. The report concludes that there is a high potential for post-medieval archaeological remains. As a result we consider the imposition of an archaeology condition is justified.
- 3.5 **HCC Ecology** No response on the updated information at the time of writing.
- 3.6 **HCC Mineral and Waste Services** no comment.
- 3.7 **HCC Rights of Way** the proposed cycle way on the northern boundary is supported. There is no clear provision for movement of people of the development at the southern end to the east and therefore a clearer route to the Green Way is needed. Officer note these comments are based on the original plans. No response at the time of writing on the amended plans.

3.8 **NHDC Housing Officer** – a 40% affordable housing provision is required with a 65% (rented) / 35% (other intermediate payor integration affordable home ownership) split.

Based on 42 dwellings the affordable housing requirement is 17 dwellings, 11 being rented and 6 intermediate affordable housing with the following breakdown:

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

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21% x 1 bed flats (2)
12% x 2 bed flats (1)
26% x 2 bed houses (3)
35% x 3 bed houses (4)
6% x 4+ bed houses. (1)
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Within the 35% intermediate affordable housing element the following tenure mix best meets housing needs as identified in the 2016 SHMA:

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8% x 1 bed flats (<1)
8% x 2 bed flats (<1)
20% x 2 bed houses (1)
54% x 3 bed houses (3)
10% x 4+ bed houses (1)
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- 3.9 **NHDC Environmental Health** no objection subject to conditions regarding land contamination, a construction phasing and environmental management (CPEM) and EV charging. Officer note the EH officer has requested a condition regarding construction hours. This is not recommended due to the construction hours being stated within the CPEM Plan which is secured by condition. An informative regarding the construction hours is recommended for clarity.
- 3.10 **NHDC Ecology** no objection subject to condition.
- 3.11 **NHDC Waste Services** no objection.
- 3.12 **NHDC Greenspace** NHDC already maintains the green space adjacent to this site and therefore it would be appropriate for NHDC to adopt the open spaces within the proposed development. As this development is likely to increase demand on local play space and off site contribution towards maintenance is needed. Officer note a S106 contribution is sought for play space maintenance.
- 3.13 **Sport England** no comment.
- 3.14 **Anglian Water** no comment other than requesting that informatives are added to the decision. Officer note these are recommended.
- 3.15 **Historic England** no comment.
- 3.16 **NHS East and North Hertfordshire** a S106 contribution of £54,264.00 is required to fund extension of local GP services and £7,645.00 to community health care costs.
- 3.17 **Hertfordshire Constabulary** objection on the basis that the application does not set out that the development will be built to the police preferred minimum security standard.
- 3.18 Baldock, Bygrave and Clothall Planning Group (comments received in July 2021) the site is an allocated site BA4 in the Local Plan and is recognised as such in the Baldock, Bygrave and Clothall peighbour Ban. We therefore have no objection to the principle of housing on the land but we do have objections to:

- 1. the landscaping around the edge of the site;
- 2. the Design Guidelines of the Neighbourhood Plan require for buildings to face outwards where they form an urban edge;
- 3. no objection to the modern design but we do not consider the way buildings turn corners is in keeping with the Design Guidelines and a palette of materials that relate more to Baldock should be used;
- 4. we consider the access should be from Royston Road with a new roundabout junction;
- 5. the access road is too narrow for a refuse or emergency services vehicle;
- 6. we do not consider the application is consistent in its assessment of the watercourses in the area meaning there is the potential of for flood risk and / or drainage issues. We also guestions the use of soakaways in a chalk aera within 20m of a building.
- 3.19 Response submitted by David Local Associated on behalf of Urban & Civic who are the appointed development partner for the BA1, BA2 and BA5 sites.
  - 1. Urban and Civic have been in dialogue with the applicant Chalkdene to form a collaborative approach for the development of these areas north of Baldock.
  - 2. We support the proposal and welcome the design measures to allow future integration with the wider development site.
  - 3. This proposal aligns with the historic settlement boundary of Baldock and the Green Belt boundary.
  - 4. The area that encroached onto the BA3 allocation are the rear gardens and the realigned ditch.
  - 5. This site is considered to have an immediate relationship with the existing built extent of the town and can be integrated effectively in isolation from the wider development.
  - 6. This is re-in forced physically by the ditch and green corridor which acts as a natural minor separation (and connecting green corridor) between the two development areas.
  - 7. The wider development site would require a separate consideration on accessed and this application proposal does not preclude or inhibit any future access considerations on the wider site.
- 3.20 The application has been advertised with site and press notices and neighbour notification letters. Replies have been received from 17 households, 14 object and 3 are neutral. All the comments were submitted on the original plans. Comments raised include:
  - 1. The access must be via Royston Road. Car parking in front of houses on the road or half on the road and pavement narrows the road in Constantine Place and Aleyn Way blocking access for large vehicles and extra traffic along here will be problematic.
  - 2. This will then allow for a route out of Clothall Common to the Royston Road which would be better for all.
  - 3. The bund built due to the by-pass cannot built on.
  - 4. There has been a huge increase in traffic since the Clothall Common houses were built in the 1980s so the traffic considerations from the 1980s are not relevant today.
  - 5. Aleyn Way is a long road servicing a high number of homes already and provides access to Constantine Place and Merchants Walk. These junctions are already difficult due to the number of parked cars and the volume of traffic.
  - 6. As Aleyn Way narrows, there is less on road parking here so cars tend to use this route. This will make Aleyn Way the main route of Clothall Common when the infrastructure does not support this and will make the road very dangerous.
  - 7. Constantine Place is not a straig page so this should not be used.

**8.** There is space to run the road rear of Rhee Spring parallel to Royston Road. The access should be in this location.

#### 4.0 Planning Considerations

# 4.1 Site and Surroundings

- 4.1.1 The application site is open land lying in the north-western corner of Clothall Common south of the B656 Royston Road. The land lies to the east of Rhee Spring and Orwell View and north of Constantine Place and Aleyn Way. The land is relatively flat, with informal footpaths crossing the land prior to it being fenced off. There are some trees along the northern boundary with the Royston Road, and along the site's west boundary rear of Orwell View. The land rises to the east, outside of the application site area. The land is within the settlement boundary area of Baldock and is allocated as housing land allocation BA4 within the Local Plan 2011 2031. It is not within a Conservation Area and does not contain or neighbour any listed buildings. The site is also within Flood Zone 1 although an ordinary watercourse runs along the east boundary of the site.
- 4.2.1 The surrounding houses were all built as part of the Clothall Common development in the 1980s and are all two storey, with single storey garages. All have front and rear gardens. The houses on Aleyn Way tend to have off street parking in the frontage of the houses, whilst the houses in Constantine Place, Rhee Spring and Orwell View have some with on plot parking in the frontage and some homes with no on plot parking with parking in grouped parking courts.

#### 4.2 Proposal

- 4.2.1 This is a full application for the residential development of the site with 42 dwellings with access roads, parking, gardens and landscaping and a new sub-station. Every house is two storeys in height and there are 11 pairs of semi-detached houses (22 dwellings) and 22 detached houses.
- 4.2.2 In terms of house size there are 14 x 2-bed houses (5 pairs of semi-detached (10) and 4 detached); 21 x 3-bed houses (6 pairs of semi-detached (12) and 9 detached) and 7 x 4-bed houses which are all detached. Six of the 4-bed houses have a single garage and two of these houses have two on plot parking spaces whilst the others have one on plot parking space. All the other houses (regardless of bedroom size) have two on plot parking spaces. Each house has a private rear garden, a bin store in the rear garden and each house without a garage also has a cycle parking in the rear garden. 11 visitor parking spaces are also proposed.
- 4.2.3 The layout plan shows a pedestrian and cycle route connecting to / off Rhee Spring with car / vehicle access on the south side of the site off both Constantine Place and Aleyn Way. The layout of the development a long loop, with most of the houses being sited along two 'streets' with three houses continuing the Rhee Spring Street frontage and six houses outlooking towards Royston Road.
- 4.2.4 The layout plan shows three areas of 'green corridors' across the site. These are one along the north boundary, immediately south of Royston Road, forming the continuation of a cycle path with trees planted either side of the path. Another is along the south boundary forming a landscaped area between the north side of the existing homes in Constantine Place and Aleyn Way, again with trees planted in this area. The third is along the east boundary rear of proposed plots 27 and 35-42 forming a green planted area along the existing watercourse / ditch.

- 4.2.5 The design of the houses is contemporary, with the houses having brick work detail to break up the mass of the elevations and 23 houses are to be buff red brick and 19 are to be sand yellow brick. All the houses are to have a dark grey concrete roof tile, grey windows and doors and black rainwater goods. Most houses have a ridge height of 8.2m whilst the semi-detached 3-bed houses have ridge height of 8.8m.
- 4.2.6 As set out above, documents have been submitted in support of this application. All these documents can be viewed in full on the Council's website. Key points from some documents include:

#### Planning Statement

- 1. The application site, approximately 1.834ha, is situated on the north eastern edge of Baldock to the south of Royston Road.
- 2. The site currently forms part of Hertfordshire County Council's Rural Estate. The land was originally reserved to provide a small (1FE) primary school when the Clothall Common residential development area was developed.
- 3. The site is no longer required for educational purposes because it is too small to accommodate a 2FE primary school (the usual minimum size for new primary schools in Hertfordshire).
- 4. The scheme has a density of 23d/ha. It therefore forms a low-density development in response to the site's location on the edge of the settlement of Baldock.
- 5. Access to the site is taken from two existing residential roads from the southern boundary of the site, these are known as Constantine Place and Aleyn Way.
- 6. Pedestrian and cycle access to the site is proposed from Rhee Spring on the western boundary of the site and through the proposed green spaces and cycle routes proposed along the northern boundary of the scheme.
- 7. There is the provision of 99 car parking spaces comprising 7 garages, 81 private parking spaces and 11 visitor spaces
- 8. Connections for future development to the east have been considered. Future vehicular access could be taken from the southeastern corner of the site with pedestrian and cycle access provided from the north eastern corner of the site.
- 9. The scheme is bounded on three sides by landscaped edges and green space. These seek to continue the existing pattern of landscaping in the surrounding area.
- 10. The following revisions were made to the development in response to comments raised by the Council:
  - Revised plans added slightly curved roads, variation in house types, and set back dwellings.
  - The green corridor has been widened to provide a more usable green space and more prominent connection to the green spaces either side of the site.
  - The dwellings along Royston Road have been turned around to face out over the road to build a relationship with the green spaces to the north as well as the roadway beyond.
  - The access from Rhee Spring has been removed, leaving the remaining access points from Aleyn Way and Constantine Place.
  - The revised plans indicate a reduction in the use of garages from 26 down to only 6.
  - The revised scheme included a change in mix to incorporate more 2 bed units.
- 11 The scheme has been designed with consideration of the outlook and privacy provided to new residents in the context of neighbouring residential buildings within Clothall Common estate.
- 12 The proposal has been designed so that it would not bring about any unacceptable impacts on these nearest residential occupiers in terms of overshadowing.

- 13 The scheme has also been designed to ensure that there will be no unacceptable degree of visual impact on the visual amenities of existing residential occupiers and to minimise potential for overlooking.
- 14 The new all-mode accesses have been discussed with Hertfordshire County Council Highways. To aid pedestrian movement the accesses to/ from Aleyn Way and Constantine Place are proposed to be Copenhagen style crossings which encourage vehicles to give way to pedestrians crossing the road / are designed to slow down vehicles when entering or exiting side roads.
- 15 The width of the new site accesses and internal roads within the site will be 6m which facilitates simultaneous two-way vehicular movement.
- 16 Pedestrians and cyclists will also be able access the site via Rhee Spring where a non-vehicular access will be provided.
- 17 The site is expected to generate approximately 21 two-way trips during the morning peak hour and 18 two-way trips during the evening peak hour. This number of additional vehicle trips is low and the development is considered to have a material impact on the local highway network.
- 18 The application is accompanied by a Heritage Statement stating that the trial trench evaluation of the Site in 2004 revealed principally post-medieval features of quarrying and field boundaries. A single undated possible hedge line could be earlier due to its different alignment from the other boundaries, though this is an isolated feature. An assemblage of finds was recovered, included Roman and medieval material, though these were either unstratified or residual amongst the post-medieval assemblages. There is no evidence to suggest these finds represent buried remains and may be related to casual losses by those travelling the Icknield Way or manuring of fields. Variations in the geology and modern disturbance were also identified.
- 19 Despite sitting within a very rich archaeological landscape, the assessment has identified the site has negligible potential for significant remains earlier than the post-medieval period and those remains identified during the trial trenching are of no more than low local significance.
- 20 The landscape design is the reinstatement of trees to the northern boundary of the new swale and green corridor to the south.
- 21 The design of the hard landscaping has been driven by the wish to minimise the extent of impermeable surfaces and create an informal pedestrian friendly street scene.
- 22 A two-colour combination of permeable block paving combined with flush kerbs (for visual guidance) creates a visually structured yet informal street scene within the public realm. Each house has been designed with a block paved footpath to the front door and hardstanding for their on-plot parking. Paving to the rear of each house connects to the front of the houses via a side gate or garage to ensure a robust access for bins and cycle storage.
- 23 Low maintenance evergreen shrubs have been selected to ensure year-round interest and display.
- 24 Significant tree planting is proposed across the development site, both within green spaces and adjacent to the residential roads and within rear gardens. Given that the existing site has no notable existing landscape feature and comprises rough grassland and scrub with no significant tree planting, the proposed development seeks to make a significant contribution to the provision of green infrastructure.
- 25 The application is also accompanied by a Reptile Survey Report and Reptile Mitigation Strategy. The report was commissioned to determine the extent of reptile populations at the site. The survey has identified a peak count of 22 adult common lizards per hectare and that 73% of all the reptiles recorded were juvenile common lizards. No other reptile species were recorded. The proposed development stands to result in removal of common lizard habitat. The report recommends that translocation is likely to be required to mitigate potential impacts on common lizards and details of the proposed pagagacation are included within the Reptile Mitigation Strategy and Translocation Method Statement.

26 The application also includes a Biodiversity Impact Assessment. The proposal will result in a net loss of 5.63 biodiversity units associated with area-based habitats compared with pre-development value. This corresponds to a total net loss of 55.73%.

#### **Design and Access Statement**

- 1. Clothall Common and the immediate surrounding context contains a variety of open spaces with different functions.
- 2. The scheme aims to embrace this by celebrating the importance of maintaining a sense of openness while also providing a strong connection and continuity with the existing green spaces.
- 3. Planting and landscape treatment is used throughout to soften the edges of the new development.
- 4. The proposal is aiming to establish a strong sense of place.
- 5. Residential units have been designed to be sympathetic in scale to the context while achieving a variety of mix and size.
- 6. The position of the houses aims to provide setbacks and variations wherever possible reflecting the street patterns of Clothall Common.
- 7. Building frontages create an active street scene and provide overlooking by facing the street, while rear gardens are designed to be secured and placed away from the street.
- 8. Shared surfaces are used throughout the scheme creating spaces that integrate pedestrian and cycle movement.
- 9. At the vehicular entrances to the site at the crossing of the Clothall Common Greenway the roads and pavements are raised level with the adjoining green space forming 'Copenhagen Crossing' to prioritise the east-west pedestrian movement through the site.
- 10. This proposed extension to the Clothall Common development, built in the 1980's, looks to complete the original masterplan. The design continues the meandering road layouts and respond to the simple two storey form and massing of the houses and how they address the streets
- 11. Two-storey houses with pitched roof are located within the proposed development site responding to the existing similar houses immediately beyond the site boundary. Gables have been used to help create visual interest, focal points and frame views along the site. The positioning of narrow and wide fronted houses enables a variety of roof forms to bring articulation to the roof line.
- 12. The design of the houses are characterised by clean lines, pared back detailing and well proportioned windows apertures. Strong rectangular forms are complemented by the gable elevations of the narrow-fronted houses. Clipped eaves and considered downpipe locations reduce visual clutter whilst the recessed entrance avoids any 'bolt on' canopies and conceals the service entry boxes that would otherwise detract from the appearance. Tall windows have been incorporated to deliver naturally well-lit rooms as well as balanced elevations.
- 13. The external appearance of the affordable housing will be indistinguishable from the market sale housing, sharing the same materials.

#### Design and Access Addendum Statement:

1. During the early design iterations pfalges ite genicular access/egress via Rhee Spring was considered.

- 2. These iterations initially proposed 3 access points, Constantine Place, Aleyn Way and Rhee Spring, before being deemed too many points of access by Highways.
- 3. In assessing the options, it was considered that a circular route through the site was more consistent with the wider estate plan providing greater legibility to both the proposed development as well as resolving the existing Constantine Place and Aleyn Way dead ends.
- 4. In discounting Rhee Spring as a vehicular route, the design team have been able to establish a hierarchy to the public spaces within the site and establishing the shared surface area to the north.
- 5. This proposed character area works by serving as a backdrop and gateway to the town, formalised by cycleway, footpaths and structured planting, whilst also providing a family friendly, pedestrian priority area for the new residents as well as those wishing to walk east-west parallel with Royston.
- 6. The proposals include two new all-mode accesses to / from Aleyn Way and Constantine Place, which will provide access to the new residential dwellings.
- 7. The new all-mode accesses were agreed as the most suitable option with Hertfordshire County Council Highways prior to submission.
- 8. It is also pertinent to note that Aleyn Way was designed to act as the access for the previous school proposal on the site.
- 9. The existing layout/design of Aleyn Way and Constantine Place facilitate movements to and from the proposed development site even with cars parked on-street, on Aleyn Way and Constantine Place.
- 10. An additional benefit of using two accesses is any traffic generated would be split so as to further lessen vehicle numbers that are already considered to be very minimal whilst at the same time this would avoid the need to provide unsightly turning space.
- 11. One of the benefits of two new all-mode accesses to / from Aleyn Way and Constantine place is that refuse vehicles and other larger servicing vehicles would no longer need to reverse as the vehicle would be able to use the site.
- 12. It is important to note that the Highways Authority confirmed that they would not be supportive of three accesses into this site as the size of the development does not necessitate this.
- 13. A review of whether vehicular access can be achieved to / from the north of the site from Yeomanry Drive has been undertaken. It was consequently concluded that there is not sufficient width at the pinch point to create a two-way access with appropriate footway/cycle provision and drainage.

#### 4.3 Key Issues

#### Principle

- 4.3.1 Local Plan Policy SP1 sets out that the Local Plan supports the principles of sustainable development within North Hertfordshire and that we will maintain the role of key settlements within the District as the main focus for housing, employment and new development. Policy SP2 supports this aim by setting out that the Local Plan makes provision for 13,000 new homes over the plan period with new homes 'allocated' to the towns and villages in the District. Baldock has an allocation of 2,198 new homes on land allocations BA1, BA2, BA3, BA4, BA5, BA6, BA7 and BA11. This application site is land allocation BA4 and therefore there is no objection to the principle of new residential development on this land.
- 4.3.2 Local Plan Policy BA4 sets out that the land east of Clothall Common is allocated for 50 homes with the following criteria:

Provision of suitable	vehicle, cyc	le and	pedestrian	links to	ensure	integration	with
adjoining site BA3.	Pac	e 19	2				

	<ul> <li>Consideration of the most appropriate routes and movements for all modes between the allocation site, the existing Clothall Common estate and the wider transport network.</li> <li>Site layout to take account of existing wastewater infrastructure.</li> <li>Incorporate ordinary watercourses (and any appropriate measures) within comprehensive green infrastructure and / or SUDs approach.</li> <li>Proposal to be informed by a site-specific landscape assessment.</li> <li>Address existing surface water flood risk issues, including any run-off through SUDs or other appropriate solution. And</li> <li>Archaeological survey to be completely prior to development.</li> </ul>
4.3.3	This proposal is for 42 dwellings which is under the site allocation target of 50. Local Plan Policy HS1 sets out planning permission for residential development and associated infrastructure on the allocated housing sites will be granted provided that the development broadly accords with the indicative number of homes allocated. Paragraph 8.3 of the Local Plans states that:
	"An indicative number of homes is shown for each site based on our evidence. 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".
4.3.4	Due to the space on site on the northern and southern end being allocated as green corridors, this has reduced the number of dwellings being accommodated on the site from the allocation of 50 to 42. There is no objection to this, as the green areas are supported and, as set out below, there is no objection to the layout of the proposal.
4.3.5	<ul> <li>With regards to the specific criteria of Policy BA4 it can be concluded:</li> <li>Pedestrian and cycle links are provided on the north and south side of the site which allows for future connection with the neighbouring allocation site BA3.</li> <li>Highways raise no objection to the proposed road layout.</li> <li>The watercourse is retained and protected along the eastern side of the site with access for maintenance within the site layout plan.</li> <li>A comprehensive landscape plan is proposed and is secured by condition.</li> <li>The LLFA raise no objection subject to conditions which are recommended.</li> <li>The archaeological survey has been undertaken and the site is considered to be of low importance. Nevertheless, an archaeology condition is recommended.</li> </ul>
4.3.6	For these reasons, the application is considered to comply with the criteria of allocation policy BA4 and with the aims of Local Plan Policies SP1, SP2 and HS1 and no objection is raised to the principle of this proposal.

# Tilted balance

4.3.7 The latest version of the NPPF, published in December 2023, protects the position of the allocated housing site in Districts that have a current Local Plan with at least five years left of the time plan period. Whilst Magherisois within the current Local Plan 2011 - 2031 period with more than five years left, the protection afforded by the NPPF in

paragraph 76 only applies to applications registered from the 16<sup>th</sup> December 2023 when the NPPF was published. This application was registered as a valid application on 17<sup>th</sup> June 2021, and therefore has to be considered under the provisions of the 'tilted balance' as set out in paragraph 11d of the NPPF. This advises that for decision taking this means that planning permission is granted unless the adverse impacts of doing so would 'significantly and demonstrably' outweigh the benefits.

4.3.8 For this proposal, this means that the benefit of the delivery of 42 new homes, which is a material contribution to the District's housing delivery is a strong material consideration to be balanced against any conflicts that are identified. There is one area of concern regarding the height of the dwellings, and this is addressed in more detail below.

#### Sustainability

- 4.3.9 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.
- 4.3.10 With regards to this development, the site has been through the Local Plan site section and allocation process, where due to its location adjoining and being part of the Clothall Common estate, there is no objection to its location as the facilities of Baldock are a sort distance way and are accessible in terms of walking and cycling in addition to the private car. The build process will provide for local jobs and will contribute to the local economy and in the longer term new residents will be there to support the town and its facilities. Socially friendships may form between new neighbours and residents can join in with local clubs and activities if they wish. 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 and an energy efficient boiler and each house will be provided with EV parking provision secured by condition. Solar panels and ground source heat pumps are not included on the plans. Therefore, a condition is recommended to ensure that a scheme of sustainability measures to address the climate change emergency is agreed and implemented on site. On this basis, the development is considered to be sustainable and comply with the aims of the NPPF and Policies SP1 and D1.

## Layout and design

- 4.3.11 Local Plan Policy SP9 states that the Council considers good design to be a key aspect of sustainable development and that we will support new development where it is well designed and located and responds positively to its local context. These aims are supported by Policy D1 which requires for new development to 'respond positively to a site's local context'.
- 4.3.12 There are no objections to the layout or design of the proposal. The layout reflects the grain of development of the neighbouring roads, and the two storey houses are reflective of, and complementary to, the scale and pattern of the existing neighbouring houses in terms of house and garden size. The design of the houses is also considered to be acceptable. Whilst they are of their own design, the external brick choice is similar to existing neighbours, so the development will appear as an integrated part of the Clothall Common estate.

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- 4.3.13 It is noted that neighbours object to the use of Constantine Place and Aleyn Way for the vehicle access for the houses. The Construction Management Plan sets out that a temporary construction access will be formed on the Royston Road frontage, so construction traffic will not use Constantine Place or Aleyn Way. Highways do not object to the proposed road layout. With the new traffic being dispersed over two roads from the development and given the fact that the roads of Constantine Place and Aleyn Way were designed originally in the knowledge that this site was reserved for a school, which would also generate traffic, there is no objection to the use of these roads for the new houses to link off. The additional vehicle trips are not considered to be of such high numbers that the traffic flows would be significant or noticeable in the locality. The concern of neighbours with regards to the existing houses not having sufficient parking spaces so that cars are parked on the road, narrowing the road and blocking access for larger vehicles is noted. However, as existing vehicles do use and pass through these roads so those parking must have due regard to the flow of traffic on the road. The new layout will allow for a refuse vehicle to loop round the road, resulting in better access for the refuse vehicle, and other larger vehicles, as these will no longer have to reverse long distances up both Constantine Place and Aleyn Way due to the inability of the vehicle being able to turn in these roads.
- 4.3.14 Each house has on plot parking, bin and bike storage and a private rear garden. 139 new trees are shown to be planted in the development, with a belt of trees along the north and south boundaries, a row of trees along the west boundary with the existing neighbours in Orwell View and garden trees along the east boundary with the water ditch. A wide amenity land strip on the south boundary provides good spacing between the new houses and the existing neighbours as well as an informal play space. All these factors combined are supported and considered to result in a high quality development that will result in good quality and positive place making. On this basis no objection is raised to the layout or design of the development which is considered to be in accordance with the aims of Local Plan Polies SP9 and D1.

#### Accessible housing requirements

- 4.3.15 Local Plan Policy HS5 requires for major residential housing development, such as this, to ensure that at least 50% of new homes can be built to M4(2) Accessible and Adaptable standards and when at least 10 affordable units are provided, 10% of these are built to the M4(3) wheelchair user standard.
- 4.3.16 As shown on the plans, all the houses are proposed to meet the M4(2) standard. However, the LLFA have responded no objection subject to conditions. One of these conditions requires:
  - "Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, FRA (reference: RRISS-XX-XX-RP-C-3010 revision P09 dated 24 November 2024) & Drainage Strategy (reference: RR-ISS-XX-XX-RP-C-3000 revision P07 dated 24 November 2024) 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".
- 4.3.17 This condition requires for the houses to have a raised finished floor level, which results in the homes then not complying with Houses to the access roadway means that a ramped entrance

cannot be installed as the gradient of this will be too steep. A condition clarifying the finished floor level levels is recommended.

- 4.3.18 In response to the LLFA condition, the agent has confirmed that they will only be able to deliver some of the houses to M4(2) standard with the rest achieving M4(1). This is a policy conflict although the extent of the conflict is unclear as the policy requires for 50% of the homes to achieve the standard and at this time, due to the late reply of the LLFA response which was received at the time of writing this report, it is not known how many houses will achieve it. It is therefore considered prudent to impose a condition requiring compliance with 50% policy requirement and no objection is lodged against the application on this basis. In the event that the agent is able to provide further information on this point prior to the Committee meeting, this point will be updated.
- 4.3.19 The second part of Policy HS2 requires for 10% of the affordable housing provision to be M4(3) wheelchair standard. This application has a viability issue, which is set out below, and only two units of affordable housing are being provided. Whilst this policy requires for these units to be wheelchair accessible, as it is important the homes do not flood. Therefore, the non-compliance of this policy with a condition requiring for the two affordable homes to be M4(2) standard, rather than M4(3) standard, is recommended. This conflict with policy is considered to be a minor conflict given the overall planning benefit of delivering 42 new homes to the District's housing requirement and given that the application has to be assessed under the provisions of the 'tilted balance' no objection to lodged against the application on this basis despite the overall non-compliance with Policy HS5.

#### <u>Amenity</u>

- 4.3.20 Local Plan Policy D1 also requires for new development to meet or exceed the National Described Space standards. The houses all meet this requirement and have built in storage. This, along with private rear gardens, on plot parking, bin and bike storage means that these houses can be considered to represent a good standard of amenity for future occupiers, and Policy D1 is considered to be met in this regard.
- 4.3.21 Local Plan Policy D3 seeks to protect the living conditions of existing and future occupiers. The existing neighbours closest to the proposal that would be directly affected are those in Orwell View and Rhee Spring which neighbour the western boundary of the site. Plots 19, 20 and 21 have been designed as a continuation of the Rhee Spring Street scene. There is no objection to this as the house in plot 19 will sit alongside the side flank wall of the neighbour in Rhee Spring and will not have direct harm on the outlook or amenities of this house.
- 4.3.22 Plots 1 10 back onto the western boundary. These houses have rear garden depths of 10m 12m and the houses on plots 2 9 are pairs of semi-detached houses with wide gaps between the side flank walls to allow for parking at the sides of the houses.

The existing neighbours, 1-4 Orwell View, are two pairs of semi-detached houses also with 10m deep rear gardens giving the proposed houses to the existing houses a back to back distance of 20m-22m. Clearly these existing neighbours will see these houses, but with a 20m back to back distance, the wide gaps of the parking areas to separate the visual bulk between the side flank walls and the proposed row of trees along the west site boundary, which in time will mature and provide a degree of screening, it cannot be concluded that the harm on the residential amenities of these neighbours from bulk or overlooking would be so adverse to justify the refusal of the application for this reason given the overall planning benefit of delivering 42 new homes on an allocated housing site.

- 4.3.23 The LLFA condition, requiring for the finished floor levels to be raised, does affect the relationship of the new houses to the existing neighbours in Rhee Spring and Orwell View. The application sets out that the house in plot 19 neighbouring Rhee Spring will have a ridge height 1.5m higher. No objection is raised to this, due to the gap between the side flank walls of these two neighbours and the fact that the bulk of this house is alongside the side flank of the neighbour in Rhee Spring. It is not uncommon for there to be variations in the ridge height of neighbours, and whilst this difference will be noticeable, it will not be harmful. Especially given that this is a new development in its own right and whilst the design of it is seeking to be complementary to the locality, it is aiming to have its own sense of place and not mimic the existing residential development already there.
- 4.3.24 Regarding the proposed homes in plots 1 10 along the western boundary of the site, the application sets out that the proposed homes in plots 2 9 will be 1.8m taller than the existing homes 1 4 in Orwell View. As set out above, due to the spacing and proposed and existing trees, no objection is raised to this relationship. The plans indicate that the eaves line of the proposed homes to the existing neighbours is roughly the same, with the proposed housing having a taller and steeper pitched roof, compared to the houses in Orwell View. Given that the bulk of the roof will be pitching away from the existing neighbours, on balance, no objection is raised to this proposed relationship. Whilst it would be preferable that the new homes are not raised by 150mm to protect the amenity of the existing neighbours, given that the neighbours now outlook onto open space any new building will be visually apparent to these homes and thus it cannot be concluded that that additional 15cm of height in itself would be so harmful on existing residential amenity by way of adverse bulk to justify the refusal of this application for this reason, given that the tilted balance applies to this application. Therefore, on balance, no objection is raised to this relationship.
- 4.3.25 Within the development plots 11 16 are back to back with plots 28 34. All these houses have proposed rear gardens of 10m in depth resulting in a back to back distance of 20m. The occupiers of the new homes will clearly see the other buildings from their rear gardens, but again, this distance, combined with the tree planting which in time will mature and provide for a degree of screening, results in no objection being raised to this layout.
- 4.3.26 Due to the green amenity area and tree belt on the south boundary, it is not considered that the proposed houses will have any direct adverse harm on the outlook or amenities of the neighbours in Constantine Place or Aleyn Way.
- 4.3.27 The application is therefore, on balance, considered to represent a good degree of amenity and is in accordance with the provisions of Policy D3.

#### Heritage and archaeology

4.3.28 Local Plan Policy HE1 seeks to protect designated heritage assets whilst Policy HE4 seeks to protect heritage assets with an archaeological interest. There are no designated heritage assets (listed buildings or Conservation Area) that are affected by this proposal. With regards to archaeology, Baldock is an area of known high archaeological value, but a trail trench survey undertaken on the site in 2004 did not result in any significant finds. As a result, there is no objection to this application subject to an archaeological condition being imposed on the decision.

- 4.3.29 A requirement of Local Plan Policy T1 is that the development does not result in highway safety problems or to cause unacceptable impacts on the highway network, whilst Policy T2 requires for new development to meet the car parking requirements. Regarding parking, the parking standards require for each new house of two or more bedrooms to have two parking spaces and between 0.25 0.75 visitor parking with the higher number where there are no garages and the lower number where garages are provided. Secure cycle parking is also a requirement. Therefore, this proposal requires for 84 parking spaces for the houses, and 28.5 visitor spaces.
- 4.3.30 Each house would have two on plot parking spaces, with two houses having a third space in the garage and four houses have one of the spaces being the garage. Each house without a garage will have bike storage in the garden and those with a garage can store bikes within it. Therefore, in this regard the application is considered to meet the parking, and Policy T2, requirements.
- 4.3.31 However, the scheme only provides for 11 visitor spaces and the shortfall results in a policy conflict with regards to visitor parking. On balance, no objection is raised to this. Additional visitor parking could be created in the south area of the site, where there is an attractive green amenity area and belt of trees, and in my view, it is better for the locality to have this area as greenery rather than additional visitor parking which may be used infrequently. Furthermore, many of the plots will be able to accommodate a third / visitor car parked rear of their own parking spaces. Whilst this is an informal arrangement it will make provision for additional visitor parking within the development. Therefore, on this basis, applying the tilted balance, the under provision of visitor parking does not outweigh the benefits of delivering housing in this location.
- 4.3.32 As discussed above under the layout comments, it is acknowledged that the use of Constantine Place and Aleyn Way for the vehicle route is objected to by existing neighbours. The Transport Statement submitted with the application forecasts that there will be an additional 21 trips (in and out) in the morning peak hour and 18 (in and out) in the evening peak hour and that this number of additional vehicle trips is low, at less than 1 extra vehicle every two minutes which would not have a material impact on the local highway network. The Highways Authority recommends no objection to the layout and the application is recommended for approval on this basis with the inclusion of the recommended highways conditions.

# Landscaping and wildlife / bio-diversity

- 4.3.33 Local Plan Policy NE2 seeks to protect landscape character and NE4 seeks to ensure that there is a net gain in bio-diversity on site. The proposed landscape strategy on drawing number DR-A-00110-PL10 shows that four trees are to be removed within the site to allow the site layout. However, the mature belt of trees at the southern end of the west boundary would be retained and the mature belt of trees along the Royston Road are to the north of, and outside of, the application site, so are unaffected by this proposal and are retained.
- 4.3.34 Within the development 139 new trees are to be planted. These are in two 'belts' of trees along the north and south boundaries and then more trees along the street frontages and within the rear

gardens. The tree and shrub species to be planted are detailed on drawing numbers L002(D), L003(E); L004(E) and L005(E). This landscape strategy is considered to be appropriate in this context and the combination of the layout, design and landscaping will not cause unacceptable harm to the character and appearance of the surrounding area or current landscape context which the development is sited in. The proposed landscape strategy is secured by condition and the proposal is considered to be in accordance with the aims of Policy NE2.

4.3.35 With regards to bio-diversity, as a greenfield site, this has a high degree of bio-diversity as existing, including a high reptile population. The proposed development would not achieve a net gain increase in bio-diversity and an off-site payment has been sought to mitigate this. The funds will be directed towards a planting and habitat improvement programme at the Weston Hill nature reserve. Furthermore, an Environmental Management Plan condition is recommended to ensure the protection of as much bio-diversity as possible. This approach is considered to be in accordance with the aims of Policy NE4 and no objection is raised against the application with regards to bio-diversity. As this application was submitted before 12 February 2024, the requirement of the Environment Act 2021 to achieve 10% BNG.

#### Drainage

4.3.36 Policies NE7 and NE8 seek to reduce flood risk and ensure that a sustainable drainage system solution is incorporated in the development. Due to the location of the existing water course on the east boundary of the site, the drainage considerations on the site have been extensive. However, the LLFA is now in a position to conclude no objection subject to the imposition of conditions, which are recommended. As a result, there is no objection to the application with regards to drainage.

## Viability and S106 Heads of Terms

- 4.3.37 Policy SP7 requires that development proposals make provision for the infrastructure that is necessary in order to accommodate the additional demands resulting from a development. Policy HS2 sets out that planning permission for new homes will be granted provide that an affordable housing provision of 40% is provided on schemes of 25 or more dwellings and that this should be delivered on site unless robustly justified.
- 4.3.38 For this proposal S106 contributions are requested from Hertfordshire County Council, North Herts Council and the NHS. It should be noted that the applicant has, eventually, agreed to the requested contributions in principle. The highways contribution was a source of debate due to HCC changing their basis of contributions to the new 'Guide to developer infrastructure contributions' in July 2021 from the previous 'Toolkit' which resulted in a significant increase in the contributions sought in particular for highways from £67,000 to the discounted figure of £202,635.00. The requested and agreed in principle contributions are:

#### **HCC** contributions:

Childcare Service towards the expansion of Merry Go Round Under 5s in Baldock or its future re-provision (£34,632 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) towards the new East Severe Learning difficulty school (£59,043 index linked to BCIS 1Q2022)

Library Service towards increasing the capacity of Baldock Library or its future reprovision (£4,389 index linked to BCIS 1Q2022)

Youth Service towards increasing the capacity of youth facilities in Letchworth or its future re-provision (£7,589 index linked to BCIS 1Q2022)

Waste Service Transfer Station towards the new North Transfer Station at Baldock or provision to serve the development (£7,212 index linked to BCIS 3Q2022)

Waste Service Recycling Centre towards increasing capacity at Letchworth Recycling Centre or provision to serve the development (£7,644 index linked to BCIS 1Q2022)

HCC Highways - £202,635.00 for pooling towards package 13 of the North Central Growth and Transport Plan in particular scheme PR73 Baldock rail station cycle parking provision and scheme PR75 – bus service development.

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. The CIL Regulations discourage the use of formulae to calculate contribution

#### NHDC Contributions:

Waste - £2,982.00

Play Space - £10,000 to upkeep / maintenance of the play area of the playground at Avenue Park, Baldock.

BNG - £72,000.00 - to be split between Weston Hills and Ivel Springs Nature Reserves for tree planting / landscape works / habitat improvement.

Affordable Housing – 17 dwellings – 11 rented and 6 intermediate affordable housing tenure.

Monitoring fee - 2.5% of the value of the contributions being monitoring with a minimum of £750 and a cap of £25,000.

#### Other:

NHS - £54,264.00 for GP services and £7,645.00 for community services

- 4.3.39 The applicant has submitted a Viability Study, dated February 2022, which is attached at Appendix 2. This document concludes that there is a viability problem for this development and that the applicant could not deliver the affordable housing requirement of 40%. This document was independently assessed by the company DSP on behalf of the LPA. This document is attached at Appendix 3. Key points from this document are:
  - 1. This review and its findings are intended purely for the purposes of providing North Hertfordshire District Council (NHDC) with an independent check of, and opinion on, the planning applicant's viability information and stated position in this case.
  - 2. NHDC requires our opinion as to whether the viability figures and position put forward by the applicant are reasonable.

- 3. The overall approach to assessing the viability of the proposed development appears to be appropriate in our opinion.
- 4. We consider that the scheme without any affordable housing is likely to reach a reasonable/proceedable level of profit, but at this point in time does not indicate any scope above that to provide any contribution to affordable housing.
- 5. Overall, therefore, it would appear that the proposed scheme would be unlikely to support the provision of affordable housing based on the current costs and values as submitted and reviewed.
- 6. We note however that (as has been demonstrated by the changing positions throughout the process of viability review) relatively small changes in value/cost assumptions can result in a significant swing in the viability position.
- 7. The site is a relatively straightforward greenfield site which despite some abnormal costs (piled foundations and S278 works) ordinarily could be expected to support a contribution to affordable housing.
- 8. Whilst we agree that at present day values the scheme is not showing a surplus for affordable housing, the viability is marginal and we recommend including a mechanism for viability review at a later stage when actual values and costs are known, so that the Council can capture any improvement in the values/cost relationship (up to the level of policy compliance).
- 4.3.40 These reports demonstrate there is a viability issue, and both the applicant's viability report and the Council's independent assessment have concluded that the development cannot provide for any affordable housing, but that there is ability to pay the other contributions within the S106 draft Heads of Terms.
- 4.3.41 During the progression of the application, the applicant offered to meet the requirements of the HCC, NHS and NHC contributions with the exception of affordable housing, with no affordable housing being offered / provided. Given that the applicant is HCC / Chalkdene, in the opinion of the case officer it is unacceptable for the applicant to pay its own S106 contributions and not provide for any affordable housing. The agent on behalf of the applicant has therefore agreed to pay £0 to HCC, £0 to the NHS but will pay the NHC contributions waste, play space, BNG and will provide for 2 units of affordable housing for affordable rent on site as well as meeting the monitoring costs of the S106. Members of the Planning Control Committee are therefore being asked to determine the application on this basis.
- 4.3.42 As set out above in the comments from DSP, viability can change. At the time the viability report was assessed, it was in a constricting market where house prices were falling and interest rates rising. However, now in 2024 interests have been lowered since the new year and house prices have stabilised.
  - Therefore, a 'claw-back clause' in the S106 is mandatory. The agent on behalf of the applicant has agreed to this. This 'claw-back clause' will require for the viability of the site to be re-assessed at the point of construction starting on site. At this time the cost of the land, building materials and other construction costs will be known as well as how interest rates have changed (if at all) and whether house prices have risen. In the event that this viability re-assessment concludes that more of the S106 contributions can be met then the following shall be paid in this order:
  - 1 additional units or full affordable housing provision on site;
  - 2 part or full payment to the NHS:
  - 3 part or full payment to HCC.
- 4.3.43 The Growth and Infrastructure and Highways teams at HCC are aware of this viability issue and have been asked to provide details on how they would like any monies divided

- between their service requests if part payment is able. At the time of writing HCC is still considering this which can be clarified in the S106 details.
- 4.3.44 This application therefore does not meet the requirements of Policies SP7 and HS2. However, information and been submitted and assessed to address the viability issue and no objection is lodged against the application on this basis.

#### Neighbourhood Plan

- 4.3.45 The Baldock, Bygrave and Clothall Neighbour Plan (BBCNP) became a 'made' plan on 29<sup>th</sup> June 2021 and therefore forms part of the Development Plan for North Hertfordshire. This proposal can be broadly considered to be in accordance with the aims of these policies:
  - G3 Creating well-designed places;
  - G4 Sustainable design;
  - E1 Transport and air quality:
  - E2 Green Infrastructure and outdoor recreation;
  - E3 Managing construction impacts;
  - E4 Building strong communities;
  - E6 Royston Road;
- 4.3.46 There is some conflict with the BBCNP on the basis that Policy E6 requires for this allocation, BA4, along with site BA3 and BA10 to create a high quality and distinctive entrance to the town on the Royston Road. However, as the access for the site is from the south, no entrance on Royston Road is being proposed as part of the development. Policy G3, which applies to sites BA1, BA3 and BA4, requires for an independent design review process with community input. The applicant undertook community consultation at the start of the planning process but a design review process involving the community has not been undertaken as part of this application. Allocation BA4 is significantly smaller than sites BA1 and BA3 and therefore this requirement is not considered to be so relevant for the size of this proposal. Furthermore, as set out above, the layout and design of this developed is supported and no objection to the scheme is raised with regards to the BBCNP. Finally, the Local Plan 2011 - 2031 was adopted after the BBCNP, and therefore more weight has to be given to the policies contained in NHC Local Plan over and above the BBCNP. Given the policy support for new residential development on this site, a refusal of this application on the basis of the community not being involved in the design of the houses is not considered to be a supportable objection to this recommendation.

## Sub-station

4.3.47 A new sub-station is proposed in the north-western part of the south, south of Royston Road and east of Yeomanry Drive in an area of greenery. This structure is 3m by 3m and 2.5m tall and is not considered to be harmful to the locality and no objection is raised to it. A condition is recommended requiring for landscaping to be included around it to help it visually blend into its location.

#### Other Matters

4.3.48 Given the uniform and attractive design of the houses, and the close relationship of the houses along the western side of the site in plots in 1 - 10, it is considered appropriate to restrict permitted development rights. This is to prevent extensions such as dormer windows, which could result in appears of the development without a planning consideration.

- 4.3.49 Environmental Health have requested a condition requiring a scheme to be submitted setting out that the houses will be protected from traffic noise and any mitigation measures required to be installed. The houses will be fitted with modern double-glazed windows and this is considered to be sufficient. Therefore, this condition is not being recommended.
- 4.3.50 The objection from Hertfordshire Constabulary is not supported due to no objection raised to the layout of the development and each house will have fencing for rear gardens and a side garden gate to provide on plot security.

#### 4.4 Conclusion

4.4.1 This is a full application for housing development on an allocated housing site within the Local Plan. The layout and design of the houses is considered to be acceptable and there are no technical objections against the proposal. The application is therefore considered to comply with the aims of the relevant Local Plan Policies listed above. 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 agrees to the pre-commencement conditions that are proposed.

# 5.0 **Legal Implications**

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 resolved to be **GRANTED** subject to the completion of the S106 Agreement and the conditions and informatives as set out below, and the applicant agreeing to an extension of time for the S106 agreement to be finalised and the decision notice issued.
  - 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 spale exaggied 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.

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

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.

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7. The landscaping details shown on drawing numbers L001/E; L002/D; L003/D; L004/E;

L005/E and L006/E are to be implemented on site unless otherwise agreed in writing by the LPA.

Reason: To ensure the development is landscaped. LP Policy NE2.

8. 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.

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

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

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

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

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

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality and to comply with Policy D4 of the North Hertfordshire Local Plan 2011 to 2031.

12. Prior to the first occupation of the development hereby permitted, the details of the bin stores and cycle parking for all the houses are to be submitted to and agreed in writing by the LPA, and the approved details are to be installed on site for each houses before its first occupation.

Reason: To ensure satisfactory details in the consideration of the development in accordance with LP Policy D1.

13. No development shall take place (ir placing gond works or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity), as informed by

recommendations made in the 13/12/23 Updated Ecological Walkover report, has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "bio-diversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure on site bio-diversity is protected in accordance with LP Policy NE4.

- 14. Prior to the commencement of development the details of an ecology enhancement 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 measure 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.

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

15. Prior to the first occupation of the first dwelling a scheme of sustainability measures for all the dwellings is to be submitted to, and approved in writing by, the Local Planning Authority and be implemented on site prior to the first occupation of each dwelling.

Reason: To address the climate emergency in accordance with Local Plan Policy D1.

16. Prior to the first occupation a plan setting out which houses meeting the requirements of Local Plan Policy HS5 for the provision of 50% of the dwellings complying with standard M4(2), including all or 10 of the affordable housing units being within the 50% of dwellings, is to be submitted to and agreed in writing by the LPA. These details must then be provided on site.

Reason: To comply with the requirements of Policy HS5.

17. 1) Before first occupation of the development, additional plans must be 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 and pedestrian/cycpages conto Constantine Place, Aleyn Way, Rhee Spring, and the cyclepath network to the north of the site, as

shown indicatively on drawing numbers CA4397/TR001 (Transport Note Sept 2021) and RR-RTA-XX-XX-DR-A-00100 rev PL14. This includes the provision of suitable intervisibility splays between the public highway and internal access roads. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation of the development.

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

18. Before the development hereby approved is first occupied, all on site vehicular areas shall be accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

19. The gradient of the main access roads shall not be steeper than 1 in 20.

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

- 20. 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:
  - o the phasing of construction and proposed construction programme.
  - o the methods for accessing the site, including wider construction vehicle routing.
  - o the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
  - o the hours of operation and construction vehicle movements.
  - o details of any highway works necessary to enable construction to take place.
  - o details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
  - o details of any hoardings.
  - o details of how the safety of existing public highway users and existing public right of way users will be maintained.
  - o management of traffic to reduce congestion.
  - o control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
  - o the provision for addressing any abnormal wear and tear to the highway.
  - o the details of consultation with local businesses or neighbours.
  - o the details of any other Construction Sites in the local area.
  - o waste management proposals.

Reason: To minimise the impact of the construction process on the on local environment and local highway network.

21. Any suspected contaminated material 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 contesting 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. Local Plan Policy NE11.

- 22. 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 preconstruction 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. In accordance with Local Plan Policy D1.

23. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level be submitted and agreed in writing by the local planning authority.

The scheme shall then be constructed as per the agreed drawings, FRA (reference: RRISS-XX-XX-RP-C-3010 revision P09 dated 24 November 2024) & Drainage Strategy (reference: RR-ISS-XX-XX-RP-C-3000 revision P07 dated 24 November 2024) 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.

24. Prior to construction, a detailed design shall be submitted to and approved in writing by the Local Planning Authority in positive tipn with the Lead Local Flood Authority for any proposed watercourse alteration that demonstrates the design is in strict accordance

with the Land Drainage Act 1991 (culverting shall only be acceptable for access purposes).

Details submitted for any proposed watercourse alteration must demonstrate there is adequate space for each watercourse to be naturalised and enhanced, that flood risk is suitably managed for all storms up to and include the 1% AEP (Annual Exceedance Probability) (1 in 100 year) plus climate change, that exceedance events of the channels do not impact the proposed development and that that they are easily maintainable and accessible. In this case a maintenance strip shall be provided between the property boundaries and the watercourse. The details shall include long sections and cross sections of the proposed watercourses including details of any proposed crossings. The development shall be constructed in accordance with the approved plans.

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.

25. Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF.

26. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 23.

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 Policies of North Herts Council.

- 27. 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 conpaging dealing 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, including all watercourses on site, 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.

- 28. A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
  - 1. The programme and methodology of site investigation and recording
  - 2. The programme for post investigation assessment
  - 3. Provision to be made for analysis of the site investigation and recording
  - 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - 5. Provision to be made for archive deposition of the analysis and records of the site investigation
  - 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the 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 any archaeology is protected in accordance with Local Plan Policy HE4.

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

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to comply with Policy D1 of the Local Plan

30. Before any development commences on site, a Site Waste Management Plan (setting out the aims to reduce the amount of waste produced on site during the construction phase, the types of waste to be produced, how it is to be stored on site, how it will be removed from site and where it will be sent to) is to be submitted to and approved in writing by the Local Planning Authority. The development must then be operated in accordance with the agreed SWMP unless otherwise agreed in writing.

Page 210 Reason: To reduce construction waste in accordance with the HCC Waste Policy 12.

31. Prior to the first occupation of the first dwellinghouse, a scheme of landscaping to visually screen the sub-station is to be submitted to and agreed in writing by the LPA and planted on site in the first available planting season.

Reason: In the interests of local visual amenity. Local Plan Policy D1.

#### **Proactive Statement:**

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

#### Informative/s:

1. Environmental Health 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.

2. 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.

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 name 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.

#### 4. External materials informative:

Further to condition 3 (external materials), with regards to submitting details to the Council when an application to discharge the condition is made, in the first instance please provide a website link / photographs / brochure details of the proposed material choice. If it is necessary to submit an actual sample, this Council will only accept a single brick or tile or sample panel without prior agreement. If you need to submit a sample larger than this, please contact the named case officer for your discharge of condition application to determine if the materials are to be viewed on site or if it / they can be delivered to the NHDC Council Offices. In the event that a larger sample is delivered to the Council Offices please ensure that you arrange collection / removal of the sample once the discharge of condition application is agreed.

# 5. Highways Informatives:

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 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.asp or by telephoning 0300 1234047.

5) Estate Road Adoption: The applicant is advised that Hertfordshire County Council as Highway Authority no longer adopts new highway as maintainable at the public expense unless a wider public benefit can be demonstrated. The developer should put in place a permanent arrangement for long term maintenance, and at the entrance of any such residential estates, a 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.asp or by telephoning 0300 1234047.

#### 6. LLFA Informative:

- 1. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood 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.
- 2. 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 2022 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.

## 7. Anglian Water Informatives:

- 1. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 2. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 3. Protection of existing assets A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- 4. Building near to a public sewer No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
- 5. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should be 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.

# 7.0 Appendices

- 1 Plan list.
- 2 Applicant's viability statement.
- 3 DSP Viability Review report.

# Register of Documents and Issue

Project No.: RT20072 Series

Project Name: Royston Road\_Baldock (Site 13) 000-200 PLANNING

Ref: RT\_PF05/v2/Dec15

Organisation	Persons/Role P	urpose	1	-1	-1	1	P	P	Р	Р	P	P	P	Р	P	P	P	
Chalkdene CD	Justine Fancy				Е	Е	Е											T
Chalkdene CD	Fabrizio Stefanoni		E	Е	Е	Е	Е	Е	Е	Е	Е	Е	Е	Е	Е	Е	Е	T
Lovell LPL	Nic Harvey																	
Lovell LPL	Keith Bishop				Е	Е	Е											
Lovell LPL	Eniola Olaribigbe				Е	Е	Е											T
IESIS	John Simmonds				Е	Е	Е											T
IESIS	Matthew Jones				Е	Е	Е											Т
IESIS	Adedeji Salako				Е	Е	Е											Т
IESIS	Roger Jack				Е	Е	Е							Е	Е	Е	Е	Т
Greengage	Mitch Cooke																	Т
Greengage	Dan Perlaki				Е	Е	Е											T
Caneparo Assoc	Mark Turner				Е	Е	Е											Т
Caneparo Assoc	Steven Davies																	T
Caneparo Assoc	Louise D																	Т
Smith Jenkins	Nicola Thompson																	Т
Smith Jenkins	Ben Borthwick		E	Е	Е	Е	Е	Е	Е	Е	Е	Е	Е					T
Smith Jenkins	Leila Cramphorn				Е	Е	Е											Т
Brontide Consult	Ian Willis				Е	Е	Е											Т
Brontide Consult	Tony Hoban				Е	Е	Е											T
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Planning
Build Control

Purpose Key A - For Approval; T - For Tender; C - For Construction; I - For Information; B - For B. Regs; P - For Planning; X - Achive

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00100	Proposed Site Plan	A1	1:50	0		PI 01	PL02		PL03	PL04	PI 08		PI 09	PL10	PL11	PL12	PL13		PL14	П
00110	Proposed Landscape Strategy	A1	_	_		_	PL02		PL03	PL04	-		. 200		PL07	PL08	PL09	PI 10		П
00120	Proposed Site Elevations Sheet 1	A1				_	PL02		PL02	PL02	-				PL06					
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00200	Proposed Parking and Access Strategy	A1		_		PL01	PL02		PL03	PL04		PI 06			PL07	PL08	PL09		PL10	
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00202	Proposed Refuse Collection Strategy	A1		_		-			PL03	PL04					PL06	PL07	PL08		PL09	
00203	Proposed Materiality Strategy	A1	_	_			PL02		PL03		PL05	PL06					PL09		PL10	
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## **Addendum Viability Appraisal**

# Land East Rhee Spring & Orwell View, Royston Road, Baldock, SG7 6TD

**Private & Confidential** 

10 March 2023



### 1. BACKGROUND

- 1.1. In September 2022, Turner Morum provided an updated viability assessment in respect of the 42-unit scheme at Rhee Spring & Orwell View, Royston on behalf of the Applicant, Chalkdene Developments. Turner Morum previously submitted a viability assessment in February 2022 which was reviewed by Dixon Searle Partnership (DSP) on behalf of the local authority, North Herts District Council (NHDC).
- 1.2. The above September 2022 updated viability assessment provided additional information following discussions with DSP concerning a number of key appraisal inputs, namely construction costs and market revenues. These discussions followed their review of the initial February 2022 viability submission.
- 1.3. The principle updates within the September 2022 viability assessment were construction costs derived from a detailed cost plan from Mr. Simon Skinner of CS2 Chartered Surveyors (dated August 2022) and an average market revenue of £455 per ft2. This assumed average market revenue reflected a compromise position following initial discussions with DSP.
- 1.4. The September 2022 viability submission concluded that the proposed scheme was "non-viable" with the provision of a policy compliant level of affordable housing (40%) but also 0% affordable housing, demonstrating deficits of **-£3.436m** and **-£1.608m** respectively when including Section 106 (s.106) contributions of £1.45m.
- 1.5. Following the submission of the September 2022 update, the Applicant has been engaged with discussions with the local planning authority, NHDC, and also the County Council, Hertfordshire County Council (HCC) concerning the s.106 contributions sought from the proposed 42-unit scheme.
- 1.6. This updated viability report provides an overview of the viability position of the 42-unit scheme (Appendix 1) in accordance with the latest s.106 contributions sought by both NHDC and HCC, in addition to updated market revenues/construction costs in accordance with the current economic climate. The following report and enclosed appraisal must therefore be read in conjunction with the initial viability assessment of February 2022 and the subsequent viability response of September 2022.



### 2. APPRAISAL AMENDMENTS

### Revenues

- 2.1. As outlined at paragraph 1.3, the September 2022 viability assessment adopted an average market revenue of £455 per ft2 which reflected a compromise position following initial negotiations with DSP. For the purposes of the enclosed updated viability assessment, I have had regard to the Land Registry House Price Index (HPI), locationally weighted to North Herts District. This demonstrates a 0.8% increase from September 2022 to December 2022 (the latest available index).
- 2.2. On this basis, the adopted unit values within the enclosed viability analysis have been increased by 0.8% which results in unit values ranging from £425k for a 2-bed house to £550k for a 4-bed house. These assumed unit values produce an average market revenue of £459 per ft2 for a scheme delivering 40% affordable housing.
- 2.3. Affordable revenues continue to be included at benchmark percentages of OMV, this includes Affordable Rent values at 45% of OMV and Shared Ownership values at 65% of OMV. These allowances are consistent with the previous viability submissions, producing affordable revenues of £219 per ft2 and £302 per ft2 respectively, blending to c. 55% of OMV.
- 2.4. The above revenue assumptions result Gross Development Values (GDVs) of £16.047m at 40% affordable housing and £19.278m at 0% affordable housing.

### **Construction Costs**

- 2.5. In addition to updated market revenues, the September 2022 viability submission adopted construction costs which were derived from detailed cost advice provided by Mr. Simon Skinner of CS2 Chartered Surveyors. This detailed cost advice was sought following initial discussions with DSP with Mr. Skinner providing a detailed breakdown of the construction costs associated with the scheme (facilitating and building works etc.). This detailed cost advice equated to £10.871m or £258.37 per ft2.
- 2.6. Within the enclosed updated viability analysis, the CS2 cost plan has been updated in accordance with the RICS Build Cost Information Service (BCIS) All-in Tender Price Index. The BCIS All-in Tender Price Index has witnessed an increase of 2.7% from the period of 3Q 2022 to 1Q 2023 and when applied to the previous <u>cost</u> items advised by CS2, the construction costs associated with the scheme increase to £11.168m or £265.43 per ft2.



Aside from the cost items, the suggested rates for preliminaries, overheads and profit, and risk remain as per the September 2022 update.

### Section 106

2.7. A detailed breakdown of the latest s.106 contributions sought by both NHDC and HCC is included at **Appendix 3 Tab 6**. As will be observed, the latest contributions to HCC (subject to indexation) equate to £127k, with NHS and NHDC contributions equating to £62k and £157k respective. This equates to an overall reduction of c. £800k in s.106 contributions from the previous viability assessment. During the course of the application process, should the above s.106 contributions prove to be inaccurate, I would reserve the right to amend the appraisal in-line with the accurate planning obligations.

#### **Construction Finance Costs**

- 2.8. The finance cashflows within the enclosed appraisal (both 40% and 0% affordable housing) include a debt finance rate of 7.5% per annum which is intended to reflect the cost of borrowing following incremental increases to the Bank of England (BoE) Base Rate over the past 6-months. As such, I would consider a debt finance rate of 7.5% to be the absolute minimum finance cost (i.e. cost of borrowing) that could be expected on a scheme of this nature in the current economic climate.
- 2.9. As a consequence of this updated debt finance rate, the finance costs within the respective appraisals blend to 4.2% of development costs and 4.3% of development GDV. Considering the outturn finance costs within an appraisal as a percentage of either costs or GDV is a useful benchmarking exercise and I feel the above blended allowances demonstrate an entirely conservative approach for finance costs on a single phase development such as this.
- 2.10. I would also take the opportunity to highlight that the adopted sales rate within the finance cashflows remains consistent with the September 2022 submission and clearly a less optimistic approach could be considered appropriate in the current economic climate. Many major housebuilders across the UK have cited slowing sales reservations and reducing revenues since November 2022 and clearly if this were to be reflected within the enclosed viability assessment, the schemes viability would be adversely affected. Nevertheless, I have retained the existing sales rate in order to minimise the number of potentially contentions appraisal inputs and potentially facilitate a speedy conclusion to viability negotiations.



### 3. UPDATED CONCLUSIONS

3.1. As outlined previously, all other appraisal inputs contained within the enclosed updated analysis are consistent with my previous viability submission of September 2022. The conclusions of the updated viability analysis are as follows:-

Tab	Total Units	Affordable % (Units)	Residual Land Value	BLV	Surplus / Deficit	Viable/ Non- Viable?	
1a	42	40%	-£1,836,367	£925,000	-£2,761,367	NON-VIABLE	
1b	42	0%	-£211,521	£925,000	-£1,136,521	NON-VIABLE	

- 3.2. As will be noted from the above summary table, the proposed scheme is considered "non-viable" with a deficit of **-£2.761m** at 40% affordable housing and **-£1.137m** at 0% affordable housing.
- 3.3. Nevertheless, despite the conclusions of the enclosed viability analysis, my client remains committed to delivering the 42-unit scheme with the level of affordable housing to be determined following viability negotiations.
- 3.4. I hope this addendum report provides you with a sufficient level of information, and I would welcome the opportunity to discuss the findings of my analysis if required.

Turner Morum LLP March 2023



### APPENDIX 1 - TURNER MORUM APPRAISAL ANALYSIS MARCH 2023

### Turner Morum Chalkdene Development - Baldock

### SUMMARY

Tab	Description	Total Units	Affordable % (Units)	RENTED	SHARED OWN	GDV	Development Costs	Residual Land Value	BLV	Surplus / Deficit	Viable/ Non- Viable?
1A	40% Affordable Housing	42	40%	11	6	£16,046,769	-£17,883,136	-£1,836,367	£925,000	-£2,761,367	NON-VIABLE
1B	0% Affordable Housing	42	0%	0	0	£19,277,672	-£19,489,193	-£211,521	£925,000	-£1,136,521	NON-VIABLE

Surplus / Deficit
VIABLE/ NON-VIABLE?

2 Bed House 3 Bed House 4 Bed House 861 1,034 1,281 £494.12 £463.62 £429.76 £425,488 £479,434 £550,476 £2,127,442 £6,712,080 £3,302,854 15 56 30 80 96 119 4,306 14,477 7,685 TOTAL MARKET HOUSING £12,142,377 60% 101 25 1,059 26,468 2,459 £458.75 £485,695 £12,142,377 Aff Rent Aff Rent 18 20 753 1,012 £174,475 £210,794 £1,046,851 £1,053,972 TOTAL AFF RENT 63% 38 11 871 81 9,580 890 £219.30 £190,984 £2,100,823 Shared Ownership Shared Ownership Shared Ownership 861 1,055 1,281 80 98 119 2,583 2,110 1,281 240 196 119 3 Bed House 4 Bed House £295.80 £286.43 £312,024 £366,886 £624,049 £366,886 TOTAL SHARED OWNERSHIP
TOTAL AFFORDABLE UNITS
TOTAL RESIDENTIAL GOV
Gross Hal /Ares
Net acres residential (Incl frontage roads)
Dwelling density net per Ha/ acre (all tenures)
Sq. ft per net acre (all tenures all uses)
Average market units sales values psf 37% £3,904,392 Less fees and marketing costs (market housing only) @ Legal fees (makering housing only) @ Less affordable disposal costs (affordable housing only) @ 3.00% £750 0.50% (£364,271) (£364,271.30) (£18,750) (£19,522) (£19,521.96) £/ft2 (£11,168,036) (£7,034,374.89) (£4,133,661) Build Costs - CS2 Cost Plan £ per sq ft @ (see Tab 3) (£558,401.78) (£1,172,644) (£1,172,644) **Developer Profit**Developer Profit on Market Housing
Developer Profit on Affordable Housing (£2.428.475) (£2,428,475.33) (£234,264) (£234.263.52) (£2,662,739) (£2,662,739) GROSS SURPLUS BEFORE ABNORMALS, 106 etc £82,405 £1,617,253 Units 42 (£155,484) (£155,484) (£651,674) (£651,674) Additional Abnormal Costs (£384,407) (£384,407) urchasers Costs SDLT 5.00% 1.50% (£13,875) (£667,083) onstruction Finance Costs (Cashflow - see tab 5) (£667,083) (£1,918,773) (£1,918,773) Residual Land Value -£1,836,367

Gross Acres 4.57

£/Gross Acre £202,347

£925,000

-£2,761,367

BLV as % of GDV

5.8%

Turner Morum Chalkdene Development - Baldock

Chalkene Development - Salotok U

Unit Type	Tenure	Beds	Hab Rooms	No. Units	Average ft2	Average m2	Total ft2	Total m2	£s per ft2	Unit Value	Total Value	Market	Affordable	Commercial
2 Bed House	Private	2	42	14	815	76	11,410	1,060	£493.06	£401,836	£5,625,699			
3 Bed House	Private	3	84	21	1,031	96	21,646	2,011	£455.17	£469,181	£9,852,801			
4 Bed House	Private	4	35	7	1,281	119	8,966	833	£423.72	£542,739	£3,799,173			
TOTAL MARKET HOUSING		100%	161	42	1,001	93	42,022	3,904	£458.75	£458,992	£19,277,672	£19,277,672		
TOTAL WARKET HOUSING		100%	101	42	1,001	93	42,022	3,904	1436.73	1430,992	119,277,672	119,277,072		
2 Bed House	Aff Rent	2	0	0	0	0	0	0	£0.00	£0	£0			
3 Bed House	Aff Rent	3	0	0	0	0	0	0	£0.00	£0	£0			
TOTAL AFF RENT		0%	0	0	0	0	0	0	£0.00	£0	£0			
2 Bed House	Shared Ownership	2	0	0	0	0	0	0	£0.00	£0	£0			
3 Bed House	Shared Ownership	3	0	0	0	0	0	0	£0.00	£0	£0			
4 Bed House	Shared Ownership	4	0	0	0	0	0	0	£0.00	£0	£0			
TOTAL SHARED OWNERSHIP		0%	0	0	0	0	0	0	£0.00	£0	£0			
TOTAL AFFORDABLE UNITS		0/6	0	0	0	0	0	0	£0.00	£0	£0		£0	
TOTAL RESIDENTIAL GDV		0%	161	42	1,001	93	42,022	3,904	£458.75	£458,992	£19,277,672			
Gross Ha/ Acres		0,0	101		1,001	33	1.85	4.57	2430.73	2430,332	LISILITIONE			
Net acres residential (incl from	ntage roads)							2.80						
Dwelling density net per Ha/ a								15.00						
Sq ft per net acre (all tenures	all uses)							15,008						
Average market units sales va	lues psf							£459						
Less fees and marketing costs		@								3.00%	(£578,330)	(£578,330.17)		
Legal fees (makering housing										£750	(£31,500)			
Less affordable disposal costs	(affordable housing on	ly) @								0.50%	£0		£0.00	
								m2	ft2	£/ft2				
Build Costs - CS2 Cost Plan £ p								m2 3,909	π2 42,076	£265.43	(£11,168,036)	(£11,168,035.62)	£0	
Build Costs - CS2 Cost Plan E p	oer sq π @ (see Tab 3)							3,909	42,076	£265.43	(111,100,030)	(£11,106,033.02)	10	
								3,309	Contingency	5%	(£558,401.78)			
Construction Fees									10%	(£1,172,644)	(£1,172,644)	(£1,172,644)	£0	
Developer Profit														
Developer Profit on Market H								20.0%	(£3,855,534)			(£3,855,534.46)		
Developer Profit on Affordabl	e Housing							6.0%	£0				£0.00	
								20.0%		(£3,855,534)	(£3,855,534)			
GROSS SURPLUS BEFORE ABN	NORMALS, 106 etc										£1,913,227	£2,503,128	£0	£0
					£/Unit	Units								
Part L Construction Costs					£3,702	42		(£155,484)	. ,					
						£/Unit			(£155,484)					
S106 Costs						£15,516		(£651,674)						
3100 COSIS						113,310		(1031,074)	(£651,674)					
									(2032,074)					
Additional Abnormal Costs								(£384,407)						
									(£384,407)			1		
												1		
Purchasers Costs						SDLT	5.00%	(£46,250)				1		
						Legals	1.50%	(£13,875)				1		
L									(£60,125)			l		
Construction Finance Costs (C	Cashflow - see tab 5)							(£873,058)	. ,				Finance	
									(£873,058)	/ ·-·	/		Costs	GDV
										(£2,124,748)	(£2,124,748)	1	4.6%	4.5%
Residual Land Value											-£211,521	-		
mesidaai Lailu value											-1211,321			
								Gross Acres	£/Gross Acre			I	BLV as % of GDV	Ī
Benchmark Land Value								4.57	£202,347		£925,000	i	4.8%	
												I	1-	•
Surplus / Deficit											-£1,136,521	1		
VIABLE/ NON-VIABLE?											NON-VIABLE			

### Accommodation Schedule

Tab 2 Hab Total ft2 Total m2 Unit Value Total Value Ref Beds No. Units | Average ft2 | Average m2 £s per ft2 Tenure 2 Bed House 4,306 £494.12 £425,488 £2,127,442 3 Bed House Private 3 56 14 1,034 96 14,477 1,345 £463.62 £479,434 £6,712,080 6 7,685 4 Bed House Private 4 30 1,281 119 714 £429.76 £550,476 £3,302,854 TOTAL PRIVATE RESIDENTAL 101 25 1,059 98 26,468 2,459 £458.75 £485,695.07 £12,142,377 2 Bed House 2 4,521 420 £231.56 £174,475 £1,046,851 Rented 3 Bed House Rented 3 20 5 1,012 94 5,059 470 £208.33 £210,794 £1,053,972 TOTAL RENT 65% 38 11 871 81 9,580 890 £219.30 £190,983.90 £2,100,823 £314.57 £270,878 £812,635 2 Bed House Shared O 2 9 3 861 80 2.583 240 £295.80 £624,049 3 Bed House Shared O 3 1,055 98 2,110 196 £312,024 4 Bed House Shared O 4 5 1 1,281 119 1,281 119 £286.43 £366,886 £366,886 TOTAL SHARED OWN 35% 22 996 93 5,974 555 £301.90 £300,594.84 £1,803,569 6 TOTAL AFFORDABLE 37% 40% 60 17 915 85 15,554 1,445 £251.02 £229,670.12 £3,904,392 42 TOTAL RESIDENTIAL \*hab rooms \*units 161 1,001 93 42,022 3,904 £381.86 £382,065.92 £16,046,769

Affordable 0%

Ref	Tenure	Beds	Hab Rooms	No. Units	Average ft2	Average m2	Total ft2	Total m2	£s per ft2	Unit Value	Total Value
2 Bed House	Private	2	42	14	815	76	11,410	1,060	£493.06	£401,836	£5,625,699
3 Bed House	Private	3	84	21	1,031	96	21,646	2,011	£455.17	£469,181	£9,852,801
4 Bed House	Private	4	35	7	1,281	119	8,966	833	£423.72	£542,739	£3,799,173
TOTAL PRIVATE RESIDE	NTAL		161	42	1,001	93	42,022	3,904	£458.75	£458,992.20	£19,277,672
2 Bed House	Rented	2	0	0	0	0	0	0	£0.00	£0	£0
3 Bed House	Rented	3	0	0	0	0	0	0	£0.00	£0	£0
TOTAL RENT		0%	0	0	0	0	0	0	£0.00	£0.00	£0
2 Bed House	Shared O	2	0	0	0	0	0	0	£0.00	£0	£0
3 Bed House	Shared O	3	0	0	0	0	0	0	£0.00	£0	£0
4 Bed House	Shared O	4	0	0	0	0	0	0	£0.00	£0	£0
TOTAL SHARED OWN		0%	0	0	0	0	0	0	£0.00	£0.00	£0
TOTAL AFFORDABLE	0%	0%	0	0	0	0	0	0	£0.00	£0.00	£0
TOTAL RESIDENTIAL	*hab rooms	*units	161	42	1,001	93	42,022	3,904	£458.75	£458,992.20	£19,277,672

Turner Morum

Chalkdene Development - Baldock

Tab 3

### Abnormals - Construction

Items	Total
S278 works	£232,689
Bio-diversity off-set	£80,760
Legals for S278	£10,000
Legals for new substation	£10,000
TOTAL	£333,449
OHP @ 15% - S278 Works Only	£34,903
Prelims @ 6% - S278 Works Only	£16,056
Total Abnormal Costs	£384,407

\*Those  $\underline{\mathbf{not}}$  included within CS2 cost plan

Upper

	Upper	
CS2 Cost Plan		
Description	Rate	Total
Facilitating Works		£0
Substructure		£674,281
Superstructure		£0
Frame		£0
Upper Floors		£212,890
Roof		£639,343
Stiars and Ramps		£63,316
External Walls		£1,695,944
Windows and External Doors		£279,767
Internal Walls and Partitions		£788,365
Internal Doors		£251,710
Internal Finishes		
Wall Finishes		£162,490
Floor Finishes		£203,494
Ceiling Finishes		£132,119
Fittings, Furnishings and Equipment		£313,652
Services		£1,071,841
Complete Building and Building Units		£0
Work to Existing Buildings		£0
External Works		£2,564,066
Sub-Total Facilitating and Building Works		£9,053,279
Main Contractors Preliminaries		£1,071,867
Main Contractors Overheads and Profit	10%	£1,012,515
Total Faciltiating and Building Works		£11,137,660
Project/Design Team Fees		£0
Other Development/Project Costs		£0
Risk	3.00%	£30,375
Infalation Based on BCIS TPI		£0
Estimated Total Cost	£265.43	£11,168,036
		,,

### **Turner Morum**

### Chalkdene Development - Baldock

**Cashflow Finance Calculation** 

40%

Summary	
Adopted Interest Rate Debit	7.50%
Total Finance Cost	-£667,083

1.384615385

40% Golden brick

Tab 5A

0.48

			Year 1				Yea	ar 2		
Residual Cashflow for Interest	TOTALS	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	TOTALS
Tabal Campulations	42					_	12	22	0	42
Total Completions  Market Completions	42 25					7 4	13 8	22 13	0 0	42 25
Affordable Completions	17			7		4	•	10	U	25 17
·				,		64 042 700	62.005.564	_		
Market Flats	£12,142,377			04 564 757		£1,942,780	£3,885,561	£6,314,036		£12,142,377
Affordable Flats	£3,904,392			£1,561,757				£2,342,635		£3,904,392
TOTAL INCOME	£16,046,769	£0	£0	£1,561,757	£0	£1,942,780	£3,885,561	£8,656,671	£0	£16,046,769
Infra Lead In		40%	25%	25%	10%					100%
Build Programme		0%	15%	25%	25%	20%	15%			100%
CIL Breakdown		100%								100%
Agents & Marketing - Market	-£364,271					-£58,283	-£116,567	-£189,421		-£364,271
Affordable Disposal	-£19,522			-£7,809		<u> </u>	,	-£11,713		-£19,522
Construction Costs	-£11,726,437	£0	-£1,758,966	-£2,931,609	-£2,931,609	-£2,345,287	-£1,758,966			-£11,726,437
Technical Fees	-£1,172,644	£0	-£175,897	-£293,161	-£293,161	-£234,529	-£175,897			-£1,172,644
Part L Construction Costs	-£155,484	£0	-£23,323	-£38,871	-£38,871	-£31,097	-£23,323	£0	£0	-£155,484
s106	-£651,674	£0	£0	£0	£0	-£104,268	-£208,536	-£338,870	£0	-£651,674
Additional Abnormal Costs	-£384,407	-£153,763	-£96,102	-£96,102	-£38,441					-£384,407
EUV	-£925,000	-£925,000								-£925,000
SDLT	-£46,250	-£46,250								-£46,250
Legals	-£13,875	-£13,875								-£13,875
TOTAL EXPENDITURE		-£1,138,888	-£2,054,287	-£3,367,552	-£3,302,082	-£2,773,464	-£2,283,287	-£540,005	£0	-£9,862,808
Net position		-£1,138,888	-£2,054,287	-£1,805,795	-£3,302,082	-£830,684	£1,602,273	£8,116,666	£0	
Rolling Balance		-£1,138,888	-£3,214,529	-£5,080,596	-£8,477,939	-£9,467,585	-£8,042,829	-£76,965	-£78,408	
Finance rate	7.50%	-£21,354	-£60,272	-£95,261	-£158,961	-£177,517	-£150,803	-£1,443	-£1,470	-£667,083

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### **Turner Morum**

### Chalkdene Development - Baldock

**Cashflow Finance Calculation** 

0%

Summary	
Adopted Interest Rate Debit	7.50%
Total Finance Cost	-£873,058

1.384615385

40% Golden brick

Tab 5B

13

		Year 1					Year 2			
Residual Cashflow for Interest	TOTALS	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	TOTALS
Total Completions	42					4	8	13	17	42
Market Completions	42					4	8	13	17	42
Affordable Completions	0			0				0		0
Market Flats	£19,277,672					£1,835,969	£3,671,938	£5,966,899	£7,802,867	£19,277,672
Affordable Flats	£0			£0				£0		£0
TOTAL INCOME	£19,277,672	£0	£0	£0	£0	£1,835,969	£3,671,938	£5,966,899	£7,802,867	£19,277,672
Infra Lead In		40%	25%	25%	10%					100%
Build Programme		0%	15%	25%	25%	20%	15%			100%
CIL Breakdown		100%								100%
Agents & Marketing - Market Affordable Disposal	-£609,830 £0					-£58,079	-£116,158	-£188,757	-£246,836	-£609,830 £0
Construction Costs	-£11,726,437	£0	-£1,758,966	-£2,931,609	-£2,931,609	-£2,345,287	-£1,758,966			-£11,726,437
Technical Fees	-£1,172,644	£0	-£175,897	-£293,161	-£293,161	-£234,529	-£175,897			-£1,172,644
Part L Construction Costs	-£155,484	£0	-£23,323	-£38,871	-£38,871	-£31,097	-£23,323	£0	£0	-£155,484
s106	-£651,674	£0	£0	£0	£0	-£62,064	-£124,128	-£201,709	-£263,773	-£651,674
Additional Abnormal Costs	-£384,407	-£153,763	-£96,102	-£96,102	-£38,441					-£384,407
EUV SDLT Legals	-£925,000 -£46,250 -£13,875	-£925,000 -£46,250 -£13,875								-£925,000 -£46,250 -£13,875
TOTAL EXPENDITURE		-£1,138,888	-£2,054,287	-£3,359,743	-£3,302,082	-£2,731,056	-£2,198,471	-£390,465	-£510,609	-£9,855,000
Net position		-£1,138,888	-£2,054,287	-£3,359,743	-£3,302,082	-£895,087	£1,473,466	£5,576,433	£7,292,259	
Rolling Balance		-£1,138,888	-£3,214,529	-£6,634,544	-£10,061,024	-£11,144,756	-£9,880,253	-£4,489,075	£2,719,013	
Finance rate	7.50%	-£21,354	-£60,272	-£124,398	-£188,644	-£208,964	-£185,255	-£84,170	£0	-£873,058

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### Turner Morum Chalkdene Development - Baldock

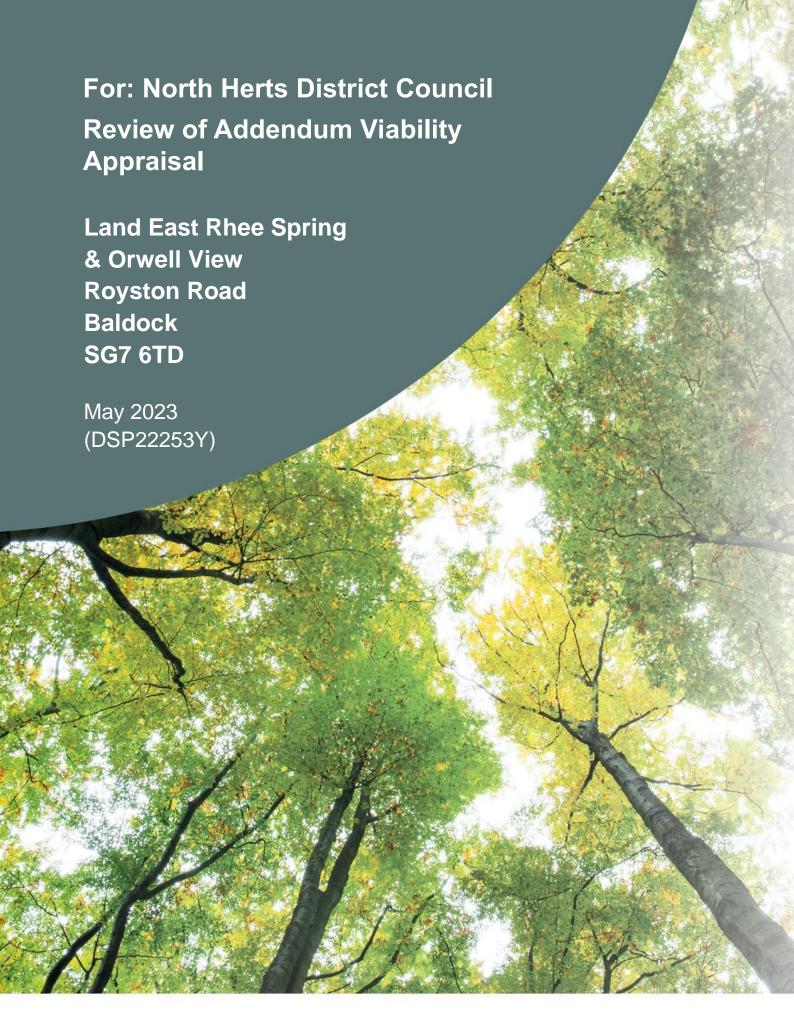
### **S106 Contributions**

HCC Contributions	Base £	Initial Index	Current Index	Increase	Total
			1Q 2023		
Nursery Education Contribution					
Childcare Services	£34,632	335.00	375.00	12%	£38,767
Primary Education Contribution					
Library Services	£4,389	335.00	375.00	12%	£4,913
Youth Service	£7,589	335.00	375.00	12%	£8,495
Secondary Education Contribution					
Special Educational Needs and Disabilities	£59,043	335.00	375.00	12%	£66,093
Waste Service	£7,644	344.00	375.00	9%	£8,333
Monitory Fees	£340	335.00	375.00	12%	£381
Sub-Total					£126,982
Further Inflation					
Total					£126,982

NHS Contributions	Total
GMS GP Surgery Provision	£54,264
Community Healthcare Costs	£7,645
Total	£61,909

NHDC Contributions	Units	£/Unit	Total
2-Bedroom Houses	14	£2,781	£38,934
3 Bedroom Houses	21	£3,960	£83,160
4 Bedroom Houses	7	£4,951	£34,657
Total			£156,751

Highways	£306,032
Total Contributions Total Contributions per Unit	<b>£651,674</b> £15,516





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### 1. Notes and Limitations

- 1.1.1. The following does not provide formal valuation advice. This review and its findings are intended purely for the purposes of providing North Hertfordshire District Council (NHDC) with an independent check of, and opinion on, the planning applicant's viability information and stated position in this case. In the preparation of this review Dixon Searle Partnership has acted with objectivity, impartiality, without interference and with reference to appropriate available sources of information.
- 1.1.2. This document has been prepared for this specific reason and should not be used for any other purpose without the prior written authority of Dixon Searle Partnership (DSP); we accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned. To the extent that the document is based on information supplied by others, Dixon Searle Partnership accepts no liability for any loss or damage suffered by the client.
- 1.1.3. We have undertaken this as a desk-top exercise as is appropriate for this stage and level of review. For general familiarisation we have considered the site context from the information supplied by the Council and using available web-based material.
- 1.1.4. So far as we have been able to see, the information supplied to DSP to inform and support this review process has not been supplied by the prospective / current planning applicant on a confidential basis. However, potentially some of the information provided may be regarded as commercially sensitive. Therefore, we suggest that the Council and prospective / current or subsequent planning applicant may wish to consider this aspect together. DSP confirms that we are content for our review information, as contained within this report, to be used as may be considered appropriate by the Council (we assume with the applicant's agreement if necessary). In looking at 'Accountability', since July 2018 (para. 021 revised in May 2019), the published national Planning Practice Guidance (PPG) on viability says on this; 'Any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances.'
- 1.1.5. Dixon Searle Partnership conducts its work only for Local Authorities and selected other public organisations. We do not act on behalf of any development interests. We have been

### **North Herts District Council**



and are involved in the review of other planning stage proposals within the NHDC area, in addition to strategic level (development plan/planning policy) projects.

1.1.6. In any event we can confirm that no conflict of interests exists, nor is likely to arise given our approach and client base. This is kept under review. Our fees are all quoted in advance and agreed with clients on a fixed or capped basis, with no element whatsoever of incentive/performance related payment.



### 2. Introduction

- 2.1.1 Dixon Searle Partnership (DSP) has been commissioned by North Herts District Council (NHDC) to carry out an independent review of the 'Addendum Viability Appraisal' (AVA) dated March 2023 and supplied to the Council on behalf of the applicant by Turner Morum LLP (TM). This is in relation to the proposed development of Land East of Rhee Spring, Royston Road, Baldock, SG7 6TD, and the AVA has been submitted in support of a planning application (reference 21/01882/FP) which seeks permission for "42 dwellings, access, parking, landscaping and associated works, including provision of an electrical sub-station (as amended by plans and documents received 23.08.22 and 29.09.2022)".
- 2.1.2 The AVA provides an update to the previous viability assessment of February 2022.
- 2.1.3 The history of viability review relating to this site is as follows:
  - Turner Morum (TM) submitted a viability statement on behalf of the applicant in February 2022.
  - DSP reviewed this in May 2022 (report reference DSP22253X). Some of the build costs (abnormal costs) were assessed on behalf of the Council by cost consultants Martin Warren Associates (MWA) who considered the costs to be overestimated. DSP applied MWA's view on build costs for the abnormal costs. The applicant's costs were based on BCIS and DSP increased the submitted costs in line with inflation (taking a balanced view, increasing base build costs by £573,922, and also updating sales values to the date of the appraisal at the time of the original review). The Benchmark Land Value (BLV), although towards the upper end of the range we would consider acceptable, was accepted as part of the overall view on viability. Even taking this view on costs, we concluded that the scheme would support a policy compliant level of affordable housing (AH) provision (which in this case would be 40% AH; 17 units, with a tenure split of 11 units of Affordable Rent and 6 units of shared ownership).
  - TM responded in June 2022, disagreeing with some of the conclusions, particularly the cost of abnormal works but adopted the higher position on base build costs put forward by DSP (as above). TM also sought to add other including items DSP had identified that would normally be adopted within a development appraisal but had not



been by TM, i.e. biodiversity and site access works. Regarding abnormal costs, TM referenced tenders for schemes as evidence of the abnormals costs however these were not related to the subject site and therefore not relevant. DSP noted that viability should not focus on the specific developer and also queried the 'hybrid approach' of looking at BCIS for some of the build costs but tendered prices for other parts. MWA also reviewed the TM rebuttal and concluded that they stood by their original estimate.

- There was disagreement on the assumption for GDV, with DSP maintaining a view that an average sales value across the scheme of £471/ft² was reasonable. Further sensitivity testing was also carried out assuming a sales rate of £455/ft² (as submitted by TM). Our review of the TM rebuttal continued to indicate that with the DSP view of sales values (and increased costs for biodiversity etc.) the scheme would continue to support a policy compliant provision of AH. DSP also tested the submitted £455/ft² sales values and concluded that with this assumption the scheme would support provision of 15 affordable homes (based on a broadly policy compliant tenure mix, i.e. 10 Affordable Rent and 5 shared ownership). DSP also noted the difference that a relatively small movement in assumptions could make on this scheme.
- A further response was received from TM in September 2022, changing the approach
  to costs by providing a new cost plan (showing higher costs than previously indicated)
  and an updated appraisal/rebuttal statement. However the Council then advised DSP
  not to carry out a further review at that point because there were likely to be
  reductions in the (non AH) S106 contributions required which would mean that the
  applicant could afford to provide AH.
- 2.1.4 This current review is based on a latest assessment from TM, an 'addendum viability report' (AVR) dated 10 March 2023 which uses the cost plan from September 2022 but applying an uplift for inflation between September 2022 and March 2023.
- 2.1.5 In presenting their viability position, the applicant has supplied to the Council the aforementioned AVR together with the following attached to it as appendices:
  - Appraisal summaries (40% AH and 100% MH)
  - List of build costs



- S106 contributions calculation
- 2.1.6 DSP has also had sight of the documents contained within the Council's online planning application file for scheme proposals context.
- 2.1.7 We have considered the assumptions individually listed within the AVR and provided our commentary based on those. This report does not consider planning policy or the wider aspects in the background to or associated with the Council's consideration of this scenario. DSP's focus is on the submitted viability assumptions and therefore the outcomes (scope to generate land value) associated with that aspect of the overall proposals.
- 2.1.8 For general background, a viable development could be regarded as a development scheme able to meet its costs including the cost of planning obligations, while ensuring an appropriate site value (i.e. existing use value) for the landowner and a market risk adjusted return to the developer in delivering that project. The Government's Planning Practice Guidance (PPG) on Viability sets out the main principles for carrying out a viability assessment. It states:

'Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return...Any viability assessment should follow the government's recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data available for future assessment as well as provide more accountability regarding how viability informs decision making...In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission<sup>1</sup>.

2.1.9 Under normal circumstances, if the residual land value (RLV) created by a scheme proposal exceeds the existing use value plus a premium (referred to as a benchmark land value (BLV)

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<sup>&</sup>lt;sup>1</sup> Paragraph: 010 Reference ID: 10-010-20180724



in this case) then we usually have a positive viability scenario – i.e. the scheme is much more likely to proceed (on the basis that a reasonable developer profit margin is also reached).

- 2.1.10 The submitted development appraisal has been run in a way which takes account of the benchmark land value (BLV) of the site and assesses the level of additional residual potentially available in excess of that after allowing for a fixed developer's profit. Therefore, an approach has been taken that sets out to consider, in the applicant's view, the maximum supportable financial contribution for affordable housing.
- 2.1.11 As previously, the AVR has considered a policy compliant scheme and a 100% market scheme (nil affordable housing), and as assessed concludes that both scheme iterations have a significant deficit against the stated benchmark land value. We will focus initially on the nil affordable housing appraisal as a basis for carrying out our review; if our review concludes that there is any surplus available for the provision of affordable housing we will consider the viability of the policy compliant scheme and/or assess the proportion of affordable housing that can viably be provided.
- 2.1.12 The proposal as presented (with nil affordable housing) produces a (negative) residual land value of -£211,521 after allowing for a developer's profit of 20% of GDV (£3,855,534) which when compared to the assumed BLV of £925,000 indicates a deficit of -£1,136,521.
- 2.1.13 The 'actual profit' in the nil affordable housing appraisal, taking into account the stated deficit, equates to £3,141,785, or 14.1% of GDV.
- 2.1.14 This review does not seek to pre-determine any Council positions and merely sets out our opinion on the submitted viability assumptions and outcomes in order to inform the Council's discussions with the applicant and its decision making; it deals only with viability matters, in accordance with our instructions.
- 2.1.15 DSP's remit is to review the submitted information to assess whether the stated viability scope available to support planning obligations (for affordable housing and/or other matters) is the most that can reasonably be expected at the time of the assessment. Our brief does not go as far as confirming what should be the outcome where schemes are stated or verified as being non-viable per se, based on a viability submission or any subsequent review. It is for the applicant to decide whether there is sufficient justification to pursue a scheme, financially. While an absence of (or insufficient level of) planning obligations will be



a material consideration, we are not aware that proof of positive viability is in itself a criterion for acceptable development under current national policy. The Council may wish to consider these matters further, however.

- 2.1.16 Accordingly, NHDC requires our opinion as to whether the viability figures and position put forward by the applicant are reasonable. We have therefore considered the information submitted. Following our review of the key assumptions areas, this report provides our views information all provided below.
- 2.1.17 We have based our review on the submitted AVA and the premise that the viability of the scheme should be considered based on the assumption of current costs and values. We then discuss any variation in terms of any deficit (or surplus) created from that base position by altering appraisal assumptions (where there is disagreement if any) utilising in this case the supplied appraisal basis as a starting point.
- 2.1.18 This assessment has been carried out by Dixon Searle Partnership, a consultancy which has a great many years combined experience in the development industry working for Local Authorities, developers, Housing Associations and in consultancy. As consultants, we have a considerable track record of assessing the viability of schemes and the scope for Local Authority planning obligation requirements. This expertise includes viability-related work carried out for many Local Authorities nationwide over the last 19 years or so.
- 2.1.19 The purpose of this report is to provide our overview comments with regard to this individual scheme, on behalf of NHDC taking into account the details as presented. It will then be for the Council to consider this information in the context of the wider planning objectives in accordance with its policy positions and strategies.
- 2.1.20 In carrying out this type of review a key theme for us is to identify whether, in our opinion, any key revenue assumptions have been under-assessed (e.g. sales value estimates) or any key cost estimates (e.g. build costs, fees, etc.) over-assessed since both of these effects can reduce the stated viability outcome.



### 3. Review of Submitted Viability Assumptions

### 3.1 Overview of Approach

- 3.1.1 The following commentary reviews the applicant's submitted viability assumptions as explained within the AVA.
- 3.1.2 Primarily the review process takes into account the fact that the collective impact of the various elements of the cost and value assumptions is of greatest importance, rather than necessarily the individual detailed inputs in isolation. We have considered those figures provided, as below, and reviewed the impact of trial changes to particular submitted assumptions.
- 3.1.3 This type of audit / check is carried out so that we can give the Council a feel for whether or not the presented result is approximately as expected i.e. informed by a reasonable set of assumptions and appraisal approach.
- 3.1.4 Should there be changes to the scheme proposals this would obviously impact on the appraisal outputs.

### 3.2 Benchmark Land Value

- 3.2.1 In all appraisals of this type, the base value (value of the site or premises usually in existing use) is one of the key ingredients of scheme viability. A view needs to be taken on land value so that it is sufficient to secure the release of the site for the scheme (sale by the landowner) but is not assumed at such a level that restricts the financial capacity of the scheme to deliver suitable profits (for risk reward), cover all development costs (including any abnormals) and provide for planning obligations as a part of creating sustainable development. This can be a difficult balance to reach, both in terms of developers' dealings with landowners, and Councils' assessments of what a scheme has the capacity to bear.
- 3.2.2 As noted in our previous report, the PPG is clear that the only acceptable approach to defining a benchmark land value for the purposes of a viability assessment, is the EUV+; or, exceptionally, AUV.



3.2.3 In this case, the submitted BLV is £925,000, equating to £202,000 per acre for the 4.57acre site (£500,000 per hectare) which has been based on assumptions used in DSP's Local Plan Viability Study that discussed a range of £370,000 to £500,000 per hectare for greenfield BLVs. As noted in our original report, the submitted BLV is at the upper end of values usually seen for this type of site. TM have not commented on this. As part of our overall view of viability we have not adjusted the submitted BLV.

### 3.3 Acquisition Costs

3.3.1 Acquisition costs are stated in the VA to have been applied at a total of 1.5% which is a typical allowance to cover agent's and legal fees, as well as SDLT (stamp duty land tax) at 5%. The overall acquisition costs allowed for in the appraisal are within the typical range.

5.00%	(£46,250)
1.50%	(£13,875)

### 3.4 Gross Development Value

- 3.4.1 The submitted GDV (based on a 100% market housing scheme) is £19,278,000 (£459/ft² average) based on an uplift of 0.8% to TM's previously suggested figure of £455/ft², which was put forward as a compromise position as part of viability negotiations.
- 3.4.2 Given the amount of time that has passed since the original viability review, and the time since the previous negotiations, and noting the relative stagnation of the property market generally, we have conducted fresh research using Land Registry data and property websites, to assess how any change in the market has affected Baldock.
- 3.4.3 The proposed housing mix is as follows:



									private parking			
plot	type	frontage	config	area	area[sq	_	beds	people	garage	off-street		
1	110	Name	Causa:	(sqmJ	ft]	[sqm]		2	0	2		
1	НА	Narrow	Semi	70.0	753	79.7		3	0	2		
							2					
2	НА	Narrow	Semi	70.0	753	81.7	2	2 3		2		
5	HA	Narrow	Semi	70.0	753	102.1	2	3	0	2		
6	HA	Narrow	Semi	70.0	753	106.1	2	3	0	2		
12	НА	Narrow	Semi	70.0	753	66.8	2	3	0	2		
13	НА	Narrow	Semi	70.0	753	66.2	2	3	0	2		
10	НС	Narrow	Detached	80.0	861	88.4			0	2		
							2	4				
16	HC	Narrow	Semi	80.0	861	89.3	2	4	0	2		
17	HC	Narrow	Semi	80.0	861	89.3	2	4	0	2		
18	HC	Narrow	Detached	80.0	861	84.1				2		
							2	4	0			
23	HC	Narrow	Semi	80.0	861	105.3	2	4	0	2		
24	HC	Narrow	Semi	80.0	861	105.3	2	4	0	2		
25	HC	Narrow	Detached	80.0	861	106.7			0	2		
							2	4	_	_		
27	HC	Narrow	Detached	80.0	861	124.3	_	_	0	2		
_				04.0	1010	06.4	2	4		-		
3	HD	Narrow	Semi	94.0	1012	86.1	3	5	0	2		
4	HD	Narrow	Semi	94.0	1012	91.7	3	5	0	2		
7	HD	Narrow	Detached	94.0	1012	101.1	2	_		2		
0	ш	Normous	Comi	04.0	1012	00.4	3	5	0	2		
8	HD	Narrow	Semi	94.0	1012	98.4	3	5	0	2		
9	HD	Narrow	Semi	94.0 95.0	1012	100.7 88.8		5	0	2		
20	HE	Narrow Narrow	Semi Semi	95.0	1023 1023	78.2	3	5 5	0	2		
22	HE	Narrow	Detached	95.0	1023	107.5	3	,	0	2		
22	IIL	Ivaliow	Detached	93.0	1023	107.5	3	5	0	2		
26	HE	Narrow	Detached	95.0	1023	93.1	3			2		
		11011011	Detached	33.0	1023	33.1	3	5	0	_		
32	HE	Narrow	Detached	95.0	1023	98.4				2		
-			20100100	33.0	1010	30	3	5	0	_		
37	HE	Narrow	Semi	95.0	1023	85	3	5	0	2		
38	HE	Narrow	Semi	95.0	1023	85	3	5	0	2		
39	HE	Narrow	Semi	95.0	1023	93.4	3	5	0	2		
40	HE	Narrow	Semi	95.0	1023	98.1	3	5	0	2		
14	HG	Wide	Semi	98.0	1055	139.6	3	5	0	2		
15	HG	Wide	Semi	98.0	1055	123.6	3	5	0	2		
19	HG	Wide	Detached	98.0	1055	183.6				2		
							3	5	0			
28	HG	Wide	Semi	98.0	1055	144.6	3	5	0	2		
29	HG	Wide	Semi	98.0	1055	143.1	3	5	0	2		
33	HG	Wide	Semi	98.0	1055	155.9	3	5	0	2		
34	HG	Wide	Semi	98.0	1055	120.7	3	5	0	2		
11	HK	Narrow	Detached	119.0	1281	127.1	_	_	_	1		
				4.55	4	45-	4	6	1			
30	HK	Narrow	Semi	119.0	1281	105	4	6	1	1		
31	HK	Narrow	Semi	119.0	1281	105	4	6	1	1		
35	HK	Narrow	Semi	119.0	1281	124	4	6	1	2		
36	HK	Narrow	Semi	119.0	1281	124	4	6	1	2		
41	HK	Narrow	Semi	119.0	1281	93.3	4	6	1	1		
42	HK	Narrow	Semi	119.0	1281	93.3	110	107	1	70		
				3904.0	42023		119	197	7	79		





### Site plan (Source: planning application documents, planning portal)

### Land Registry new build sales data

3.4.4 There are relatively few sales of new build properties in the immediate vicinity of the site. We have therefore reviewed all new build sales within a 9 mile radius of the site, over the past two years. This indicates an average sales value (adjusted for HPI) of £453/ft² for detached houses (see Appendix 1) and an average of £462/ft² for semi-detached houses (see Appendix 2).



### **Resales - detached**

- 3.4.5 We have also reviewed resale properties and note the recent sale of 4 Saddlers Close, SG7 6EF, 1.3 miles from the site. This modern-built detached property of 1,108 ft² sold for £580,000 (£523/ft²) in February 2023, which suggests potentially higher values for the proposed new build detached properties of a similar size however (based on previous appraisal assumptions, with inflation applied) the proposed 1,054 ft² detached properties are valued at £499,000 (473/ft²) and the 119 m² property at £576,000 (£450/ft²).
- 3.4.6 However we note also the sale of 39 Roman Lane, SG7 6PN, also a detached property of modern construction (123ft²), located 0.8 miles from the site, which sold for £550,000 in November 2022 (412/ft²) which when allowing for the premium attached to new build suggests similar values to the submitted £576,000 (£459/ft²).
- 3.4.7 There have been various other recent resales of detached properties, however most of these are much larger properties and not directly comparable to the proposed dwellings.

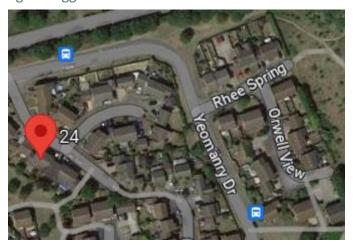
### Resales – semi-detached

- 3.4.8 There have been 19 sales of semi-detached properties in the SG7 postcode area since October 2022, with an average achieved sales value of £434/ft² (adjusted for HPI).
- 3.4.9 A 775 ft² semi-detached house at 2 Rivett Close, 0.2 miles from the site, sold for £380,000 in January 2023. Taking into account the premium attached to new build, the proposed 753 ft² properties can be expected to achieve a slightly higher value of say £400,000 (531/ft²).
  - 2 Rivett Close (Image source: Google Streetview)





3.4.10 24 Eisenberg Close, also very close to the site, is a 786 ft² semi-detached house which sold in November 2022 for £435,000, indicating a value of £547/ft² (adjusted for HPI) which again suggests values of £400k+ for the smaller new build semi-detached properties.



3.4.11 Reviewing all of the above, although the £459/ft² assumed by TM is within the broad range indicated by the data, taking account of recent sales in the immediate area and the premium attached to new build we consider the following values to be achievable, leading to a slightly higher average of £469/ft² - as follows:



### Schedule of accomm - DSP values

				3011	caaic	Ol at	COIIIII -	D31 (		narking					
nlot	type	frontage	config	area	area[sq	garden	beds	people		parking off-street	t Unit Value		£psf		
piot	type	Hontage	Coming	(sqmJ	ft]	[sqm]	beus	people	garage	on-street	UII	it value	L	psi	
1	HA	Narrow	Semi	70.0	753	79.7		3	0	2	£	400,000	£	531	
_	11/4	IVAITOVV	301111	70.0	755	75.7		3	· ·	2	_	400,000	-	331	
							2								
2	НА	Narrow	Semi	70.0	753	81.7	2	3	0	2	£	400,000	£	531	
5	НА	Narrow	Semi	70.0	753	102.1	2	3	0	2	£	400,000	£	531	
6	НА	Narrow	Semi	70.0	753	106.1	2	3	0	2	£	400,000	£	531	
12	НА	Narrow	Semi	70.0	753	66.8	2	3	0	2	£	400,000	£	531	
13	НА	Narrow	Semi	70.0	753	66.2	2	3	0	2	£	400,000	£	531	
10	НС	Narrow	Detached	80.0	861	88.4			0	2	£	420,000	£	488	
							2	4				·			
16	НС	Narrow	Semi	80.0	861	89.3	2	4	0	2	£	415,000	£	482	
17	НС	Narrow	Semi	80.0	861	89.3	2	4	0	2	£	415,000	£	482	
18	НС	Narrow	Detached	80.0	861	84.1				2	£	420,000	£	488	
							2	4	0						
23	НС	Narrow	Semi	80.0	861	105.3	2	4	0	2	£	415,000	£	482	
24	HC	Narrow	Semi	80.0	861	105.3	2	4	0	2	£	415,000	£	482	
25	HC	Narrow	Detached	80.0	861	106.7			0	2	£	420,000	£	488	
							2	4							
27	HC	Narrow	Detached	80.0	861	124.3			0	2	£	420,000	£	488	
							2	4							
3	HD	Narrow	Semi	94.0	1012	86.1	3	5	0	2	£	450,000	£	445	
4	HD	Narrow	Semi	94.0	1012	91.7	3	5	0	2	£	450,000	£	445	
7	HD	Narrow	Detached	94.0	1012	101.1				2	£	480,000	£	474	
							3	5	0						
8	HD	Narrow	Semi	94.0	1012	98.4	3	5	0	2	£	460,000	£	455	
9	HD	Narrow	Semi	94.0	1012	100.7	3	5	0	2	£	460,000	£	455	
20	HE	Narrow	Semi	95.0	1023	88.8	3	5	0	2	£	465,000	£	455	
21	HE	Narrow	Semi	95.0	1023	78.2	3	5	0	2	£	465,000	£	455	
22	HE	Narrow	Detached	95.0	1023	107.5				2	£	490,000	£	479	
							3	5	0						
26	HE	Narrow	Detached	95.0	1023	93.1				2	£	490,000	£	479	
							3	5	0						
32	HE	Narrow	Detached	95.0	1023	98.4				2	£	490,000	£	479	
							3	5	0						
37	HE	Narrow	Semi	95.0	1023	85	3	5	0	2	£	475,000	£	464	
38	HE	Narrow	Semi	95.0	1023	85	3	5	0	2	£	475,000	£	464	
39	HE	Narrow	Semi	95.0	1023	93.4	3	5	0	2	£	475,000	£	464	
40	HE	Narrow	Semi	95.0	1023	98.1	3	5	0	2	£	475,000	£	464	
14	HG	Wide	Semi	98.0	1055	139.6	3	5	0	2	£	485,000	£	460	
15	HG	Wide	Semi	98.0	1055	123.6	3	5	0	2	£	485,000	£	460	
19	HG	Wide	Detached	98.0	1055	183.6				2	£	500,000	£	474	
							3	5	0						
28	HG	Wide	Semi	98.0	1055	144.6	3	5	0	2	£	485,000	£	460	
29	HG	Wide	Semi	98.0	1055	143.1	3	5	0	2	£	485,000	£	460	
33	HG	Wide	Semi	98.0	1055	155.9	3	5	0	2	£	485,000	£	460	
34	HG	Wide	Semi	98.0	1055	120.7	3	5	0	2	£	485,000	£	460	
11	HK	Narrow	Detached	119.0	1281	127.1				1	£	585,000	£	457	
							4	6	1						
30	HK	Narrow	Semi	119.0	1281	105	4	6	1	1	£	565,000	£	441	
31	HK	Narrow	Semi	119.0	1281	105	4	6	1	1	£	565,000	£	441	
35	HK	Narrow	Semi	119.0	1281	124	4	6	1	2	£	565,000	£	441	
36	HK	Narrow	Semi	119.0	1281	124	4	6	1	2	£	565,000	£	441	
41	HK	Narrow	Semi	119.0	1281	93.3	4	6	1	1	£	560,000	£	437	
42	HK	Narrow	Semi	119.0	1281	93.3	4	6	1	1	£	560,000	£	437	
				3904.0	42023		119	197	7	79	£19	,715,000	£	469	
										86					



- 3.4.12 The above adjustments add £426,443 to the assumed GDV.
- 3.4.13 It is worth noting that any improvement in the sales value assumptions (compared with a level set at the point of the appraisal) would most likely be reflected in an improvement in scheme viability. Whilst the opposite could also occur (the sales values could fall relative to the assumptions made), that is the developer's (applicant's) risk and such factors need to be kept in mind in making an overall assessment of the applicant's position.

### 3.5 Affordable housing values

3.5.1 In the policy compliant 40% AH appraisal, the tenure split has been assumed to be 11 units of Affordable Rent and 6 units of shared ownership. Values have been assumed at 65% of market value for shared ownership units, and 45% of the submitted market value for Affordable Rent. These are fairly typical assumptions, and result in values within the expected range.

### 3.6 Development Timings

- 3.6.1 The development timings are the same as in the previous viability assessment, as follows:
  - Lead-in 3 months
  - Construction 12 months
- 3.6.2 Sales timings for the 100% market appraisal include 4 sales in the 3 months before the end of the construction period, 8 sales in the first month following construction end, and the remainder spread over a further 6 months.
- 3.6.3 Affordable housing, where included, is assumed to be disposed of via a 'golden brick' payment with a 40% payment 6 months into construction and the remainder on completion. We have applied the same payment timings in our appraisal.
- 3.6.4 Overall, we consider the stated timing assumptions to be not unreasonable.

### 3.7 Cost Assumptions

3.7.1 TM have based the appraisal build costs on a cost plan from CS2 consultants, and have added the following abnormal costs to CS2's assessed costs.



### **Abnormals - Construction**

Items	Total		
S278 works	£232,689		
Bio-diversity off-set	£80,760		
Legals for S278	£10,000		
Legals for new substation	£10,000		
TOTAL	£333,449		
OHP @ 15% - S278 Works Only	£34,903		
Prelims @ 6% - S278 Works Only	£16,056		
Total Abnormal Costs	£384,407		

- 3.7.2 On behalf of NHDC, DSP commissioned MWA surveyors to undertake a review of the CS2 cost plan.
- 3.7.3 MWA's report is attached as Appendix 3. In summary, based on present day costs, MWA's estimate exceeded CS2's by 4.17% (£490,393) and MWA have stated that they consider the submitted costs to be not unreasonable.
- 3.7.4 Details of the abnormal costs (S278 works and Biodiversity offset) set out above have not been provided, however we note that even if all of these are removed from the appraisal and we apply MWA's cost estimate, the overall cost remains at a similar level. On that basis, we consider the submitted build costs to be suitable at this time.

### 3.8 Professional Fees

3.8.1 Professional fees have been included at 10% on base build and external/landscaping costs (i.e. total build costs excluding abnormal costs) which is within the range typically seen. We have applied the same percentage allowance.



### 3.9 Contingency

3.9.1 TM have included a contingency allowance of 5% on base build and external/landscaping costs (i.e. total build costs excluding abnormal costs) which is a fairly typical assumption and is considered not unreasonable.

### 3.10 Agent's, Marketing & Legal Fees

- 3.10.1 The AVA appraisal includes marketing fees of 3.0% GDV, and legal costs relating to disposal of market units are assumed at £750 per unit. Overall these costs are within the range typically seen therefore we consider the overall allowances to be not unreasonable.
- 3.10.2 Transaction costs for the affordable housing where included have been assumed at 0.5% of affordable GDV. This is considered reasonable.

### 3.11 Development Finance

- 3.11.1 Finance costs have been included using a rate of 7.5% including all fees. This has increased from the previous appraisal (in which 6.5% was assumed). However, this is as expected, reflecting the recent increases in lending costs.
- 3.5.1 The market on finance costs is further evolving at this time. Despite recent increases in the Bank of England base  $rate^2$ , we are continuing to see a range of interest rates assumed within submissions, most frequently at 6.0-8.0% inclusive of all fees. We also note some much lower rates being put forward; and being offered by lenders, however often as part of more complex arrangements rather than the 100% debt finance assumed here, and with a range of fees and conditions adding to the overall cost.
- 3.5.2 Overall, we consider the updated assumption of a 7.5% interest rate to be suitable at present but reserve the right to revisit this assumption if necessary.

### 3.12 S106 / Planning Obligations

3.12.1 The previously submitted appraisals included £1,378,917 in section 106 costs. However, the AVR states that \$106 costs have now reduced by £800,000 and the latest contributions

<sup>&</sup>lt;sup>2</sup> It should be noted that lenders do not typically adjust their rates directly in relation to changes in the base rate, and those that do will not necessarily pass on the full increase to borrowers; a range of pricing methods is taken into account including lenders' need to remain competitive.



(subject to indexation) are £127,000 (HCC), £62,000 (NHS) and £157,000 (NHDC) plus a highways contribution of £306,032. This leads to a total of £651,674.

3.12.2 We note the following requirements submitted by HCC in a letter dated 25 January 2023, which confirm the HCC amount included by TM:

Source: Planning application documents (planning portal)

Childcare Service towards the expansion of Merry Go Round Under 5s in Baldock or its future re-provision (£34,632 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) towards the new East Severe Learning difficulty school (£59,043 index linked to BCIS 1Q2022)

Library Service towards increasing the capacity of Baldock Library or its future re-provision (£4,389 index linked to BCIS 1Q2022)

Youth Service towards increasing the capacity of youth facilities in Letchworth or its future re-provision (£7,589 index linked to BCIS 1Q2022)

Waste Service Transfer Station towards the new North Transfer Station at Baldock or provision to serve the development (£7,212 index linked to BCIS 3Q2022)

Waste Service Recycling Centre towards increasing capacity at Letchworth Recycling Centre or provision to serve the development (£7,644 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.

- 3.12.3 We recommend the Council verifies the remaining S106 allowances or provides an alternative that can be reflected in the appraisal.
- 3.12.4 It should be noted that any change in the chargeable sums would have an impact on the overall viability of the scheme as viewed through the appraisals. In all such reviews, we assume that all requirements that are necessary to make a scheme acceptable in planning terms will have to be included.
- 3.13 Developer's Risk Reward Profit
- 3.13.1 In this case, the level of profit has been included as a fixed input at 20% of gross development value (GDV) for market housing, and 6% for affordable housing where included. As noted earlier in our report, the presented position indicates an 'actual profit',



taking into account the stated deficit, of 17.6% of GDV based on a 100% market housing scheme.

- 3.13.2 The Planning Practice Guidance (PPG) on Viability states: 'Potential risk is accounted for in the assumed return for developers at the plan making stage. It is the role of developers, not plan makers or decision makers, to mitigate these risks. The cost of fully complying with policy requirements should be accounted for in benchmark land value. Under no circumstances will the price paid for land be relevant justification for failing to accord with relevant policies in the plan'. It goes on to state: 'For the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies. Plan makers may choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development. A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk. Alternative figures may also be appropriate for different development types<sup>3</sup>'.
- 3.13.3 We do not agree that the 20% GDV assumption for market sale housing as submitted here, and regularly submitted in such cases, is necessarily a given a fixed scenario, particularly if this is on the basis of a blended profit including affordable housing. As part of seeking to find a different balance between on the one hand the acknowledged commercial drivers and landowner positions and on the other the community needs side, some flexibility ought to be possible. For the purposes of our appraisal, we have considered a developer return of 17.5% GDV on market housing (and 6% on affordable housing) within our trial appraisal. This leads to a reduction in the profit allowance of £493,000 in the 100% market housing appraisal based on our assumed values (or a reduction of £482,000 based on TM's assumed values).

<sup>&</sup>lt;sup>3</sup> https://www.gov.uk/guidance/viability#standardised-inputs-to-viability-assessment - Paragraph: 018 Reference ID: 10-018-20190509



### 4. Recommendations / Summary

- 4.1.1 The overall approach to assessing the viability of the proposed development appears to be appropriate in our opinion.
- 4.1.2 We also consider the majority of the submitted assumptions to be suitable. We consider that slightly higher sales values could be achieved, given the premium attached to new build this results in an addition of £426,443 to the GDV (see 3.4, above).
- 4.1.3 The updated build cost estimate has been reviewed by MWA surveyors, who concluded that the submitted costs from CS2 consultants were underestimated by £490,393 based on present day values.
- 4.1.4 Various abnormal costs have also been included which total £384,407. We have not been able to verify these, however bearing in mind MWA's estimate and comments we consider that the overall costs (base build and abnormals) applied in TM's appraisal can be considered suitable.
- 4.1.5 Profit (see 3.13, above) we do not agree that the 20% GDV assumption for market sale housing is necessarily required. Applying a lower a profit level of 17.5% GDV for market sale housing reduces the cost allowances by c. £490,000.
- 4.1.6 Benchmark Land Value (BLV) see 3.2, above. The submitted BLV is £925,000, equating to £500,000 per hectare, which is at the upper end of greenfield BLVs and typically assumed for small sites in paddock use. At this stage we have not adjusted the submitted BLV but note that any reduction in BLV would improve the viability position and will reserve our position on this.

### **Overall viability position**

4.1.7 Reviewing the above, we note that the adjustments/areas queried above are not sufficient to overcome the deficit within the 100% market housing appraisal of -£1,136,521. Therefore, 'stepping back' and considering the overall viability position, including a suitable benchmark land value and profit, we consider that the scheme without any affordable housing is likely to reach a reasonable/proceedable level of profit, but at this point in time does not indicate any scope above that to provide any contribution to affordable housing.



- 4.1.8 This differs from the conclusions of our previous review, primarily because in the interim period build costs have continued to rise whereas sales values have remained roughly the same. In addition, as TM have noted, there is less certainty at this point of time regarding the potential rate of sales, particularly if the higher values which we have considered above are to be achieved.
- 4.1.9 Overall, therefore, it would appear that the proposed scheme would be unlikely to support the provision of affordable housing based on the current costs and values as submitted and reviewed. We note however that (as has been demonstrated by the changing positions throughout the process of viability review) relatively small changes in value/cost assumptions can result in a significant swing in the viability position. The site is a relatively straightforward greenfield site which despite some abnormal costs (piled foundations and S278 works) ordinarily could be expected to support a contribution to affordable housing. If a more positive view is taken on values, and a 17.5% profit allowance is applied, the scheme comes close to generating a surplus - and as noted above the assumed BLV is at the upper end of the range seen. On this basis, whilst we agree that at present day values the scheme is not showing a surplus for affordable housing, the viability is marginal and we recommend including a mechanism for viability review at a later stage when actual values and costs are known, so that the Council can capture any improvement in the values/cost relationship (up to the level of policy compliance).
- 4.1.10 As additional information for the Council, it should also be noted that Paragraph 65 of the revised NPPF and recent Appeal precedent indicates that that major developments (i.e. of 10+ dwellings) are expected to provide at least 10% of the proposed homes as 'affordable home ownership' units. The Council may wish to consider the implications for this scheme / application.
- 4.1.11 We need to be clear our review is based on current day costs and values assumptions as described within our review based on the current scheme(s) as submitted. A different scheme may of course be more or less viable we are only able to review the information provided.
- 4.1.12 No viability appraisal or review can accurately reflect costs and values until a scheme is built and sold this is the nature of the viability review process. In this sense, the applicant



and their agents are in a similar position to us in estimating positions – it is not an exact science by any means, and we find that opinions will usually vary.

- 4.1.13 As regards the wider context including the current economic situation, in accordance with the relevant viability guidance our review is based on current day costs and values - a current view is appropriate for this purpose of assessing a base position. Whilst in the short term we may with more time see further evidence of negative influences on viability, it is also possible that we may see some balance for example in terms of continued market resilience, more settled development cost levels, Government interventions or other factors. We have recently seen the first month-on-month falls in house prices (overall) for some time - although the very latest indications are of a small increase in house prices compared with the previous months (as part of the typical spring boost effect, albeit reduced this year). The RICS guidance notes that 'Development risk' reflects: 'The risk associated with carrying out, implementing and completing a development, including site assembly, planning, construction, post-construction letting and sales'. 'The return for the risk is included in the developer return and the PPG makes it clear that it is the developer's job to mitigate this risk, not plan makers and decision takers.' This is all part of the usual development process. Furthermore, in reflecting the PPG the RICS guidance notes: 'PPG paragraphs 007 and 009 reflect on the impact of market cyclicality during the life of the plan. Paragraph 007 gives market downturns as one example of the justification for a site-specific FVA, but it is restricted to 'a recession or similar significant economic change'. This implies the exclusion of normal market cyclicality, which is embedded in the level of developer return.'
- 4.1.14 DSP will be happy to advise further as required.

Review report ends May 2023



Appendix 1 – sales of new build detached properties (2 years)

Appendix 2 – sales of new build semi-detached properties (2 years)

Appendix 3 – Cost report from MWA surveyors





# 1 Introduction

- 1.01 The purpose of this Build Cost Comparison is to provide Dixon Searle with an estimated construction and project cost for the base scheme which comprises new build construction of 42nr new build homes at Royston Road (Site 13), Baldock. The total GIA provides 3909m2 of new build development.
- 1.02 This report is based on an objective and impartial review of the applicants Detailed Cost Plan, we have given full consideration to the most effective and efficient way to deliver a reasonable development performance proportionate to the scheme as represented by the applicant. We have referenced rates which have been returned by Contractors in recent Tenders
- 1.03 Where we disagree with any cost stated by the applicant we have included in the comments column a statement of the basis of such disagreement.

#### 2.00 Basis of Comparison

2.01 When carrying our review of the applicants Detailed Cost Plan we have adopted a reasonable, transparent, fair and objective assessment. We have considered in our opinion the most cost effective and efficient way to deliver the project which fully reflects the way the development will actually be carried out.

#### 3.00 Observations

- 3.01 We have undertaken this as a desk-top exercise as is appropriate for this stage and level of review. For general familiarisation we have considered the site context from the information supplied by the Council
- 3.02 The prices within our comparison of this Detailed Cost Plan are based on a Main Contractor being engaged on a competitive single stage design and build tender based on Employer's Requirements fully developed to RIBA Stage 4. Procurement envisages appointment under a JCT Standard Form of contract.
- 3.03 The Detailed Cost Plan for the construction makes an allowance for a Project Contingency which we consider to to be
- 3.04 The Detailed Cost Plan for the construction makes an allowance for Main Contractors Preliminary Costs which we consideer to be reasonable
- 3.05 The Detailed Cost Plan for the construction of the Houses makes an allowance for Main Contractors Overheads and Profit which we consider to be high and unreasonable.
- 3.06 In this narrative summarising our observations we have commented on all variances and these are explained in detail in our comments on Table 1 calculations.

#### 4.00 Conclusion

4.01 In gross terms we arrive at a higher figure with a variance of circa 4.17% (shown in the details) resulting in an under estimate by the applicant for the Project of £490,393 therefore we consider the submitted costs to be not unreasonable.

0.0	Facilitating works
	Facilitating works
1.0	<u>Substructure</u>
2.0	<u>Superstructure</u>
2.1	Frame
2.2	Upper floors Roof
2.3	Stairs and ramps
2.5	External walls
2.6	Windows and external doors
2.7	Internal walls and partitions
2.8	Internal doors
3.0	Internal finishes
3.1	Wall finishes
3.2	Floor finishes
3.3	Ceiling finishes
4.0	Fittings, furnishings and equipment
5.0	Services
6.0	Complete buildings and building units
7.0	Work to existing buildings
8.0	External works
	Sub-Total: Facilitating and Building
	Main Contractors Preliminaries (per week
	Main contractor's overheads and profit
	TOTAL: Facilitating and Building
	Project/design team fees
	Other development/project costs inc
	Risk (contingency)
	Inflation based on BCIS TPI

			Costs
£	692,982	£	36,634
£	-	£	-
£	207,278	£	-
£	651,899	£	29,559
£	75,505	£	13,873
£	1,422,526	-£	228,313
£	366,932	£	94,606
£	855,370	£	87,972
£	244,162	-£	854
£	162,778.80	£	4,610.00
£	224,333.51	£	26,251.65
£	130,866.42	£	2,261.26
£	317,120.00	£	11,810.00
£	1,383,147.82	£	339,812.88
£	-	£	-
£	-	£	-
£	2,367,683.91	-£	128,188.49
£	9,102,584.65	£	290,034.82
£	1,043,360.00	£	-
£	811,675.57	-£	173,915.41
£	10,957,620.22	£	116,119.41
£	424,059.90	£	4,651.90
£	-	-£	152,040.00
£	547,881.01	£	518,313.28
£	326,537.08	£	3,348.71
£	12,256,098.22	£	490,393.31

**MWA Costs** 

Variance to

**Applicants** 

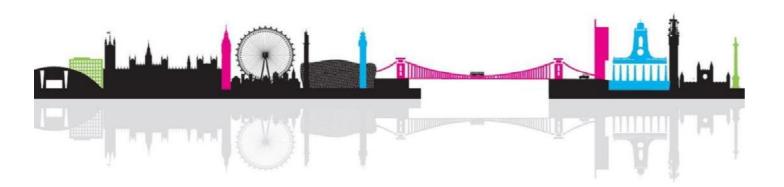
# **MWA** commentary on

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CS2 COST PLAN REPORT



# **DETAILED COST PLAN**



prepared for and on behalf of

**Chalkdene Developments** 

# for the premises known as

# **ROYSTON ROAD (SITE 13), BALDOCK**

[insert name] [insert letters] Checked by:

1056854/CAR/les

04 August Carl Raven BSc (Hons) MRICS Date: 2022

CS2 Limited Bridgewater House 4 Queensbridge Northampton

NN4 7BF

T: 01604 603 030

E: carlraven@cs2.co.uk



Rate

Total



Comments

# **EXECUTIVE SUMMARY**

Our reference:

Revision:

Overview

This detailed cost plan provides a financial appraisal for Chalkdene Developments in respect of Royston Road (Site 13), The base scheme

This detailed cost plan provides a financial appraisal for Chaixdene Developments in respect of Royston Road (Site 13), The base scomprises new build construction of 42nr new build homes

The total GIA provides 3909m2 of new build development.

The estimated construction costs for the base scheme including New build, infrastructure and external works is £11,765,705.00. The rates used within this cost estimate and summarised below are dated 3Q2022.

		%	£	£/m2	£/ft2	
a	Facilitating works Substructure Superstructure Internal finishes Fittings, furnishings and equipment Services Complete buildings and building units Work to existing buildings	0.0%	N/A	-		
b	Substructure	5.6%	656,348	168	16	
С	Superstructure	32.5%	3,826,829	979	91	
d	Internal finishes	4.1%	484,856	124	12	
е	Fittings, furnishings and equipment	2.6%	305,310	78	7	
f	Services	8.9%	1,043,335	267	25	
g	Complete buildings and building units	0.0%	N/A	-		
h	Work to existing buildings	0.0%	N/A	-		
i	External works	21.2%	2,495,872	638	59	
j	On Costs & Inflation	25.1%	2,953,155	748	69	
E	stimated Cost Total (excl VAT)		£ 11,765,705	3,002	279	

£ 12,256,098.22

**ELEMENTAL SUMMARY** 

Ref	Group Element		£	GIA £/m2	GIA £/ft2
				3.909	42.076
0.0	Facilitating works		N/A	-	-
1.0	Substructure		656,347.78	167.91	15.60
2.0	Superstructure				
2.1	Frame		N/A	-	-
2.2	Upper floors		207,277.70	53.03	4.93
2.3	Roof		622,339.62	159.21	14.79
2.4	Stairs and ramps		61,632.00	15.77	1.46
2.5	External walls		1,650,838.88	422.32	39.23
2.6	Windows and external doors		272,326.71	69.67	6.47
2.7	Internal walls and partitions		767,398.05	196.32	18.24
2.8	Internal doors		245,015.93	62.68	5.82
3.0	Internal finishes				
3.1	Wall finishes		158,168.80	40.46	3.76
3.2	Floor finishes		198,081.86	50.67	4.71
3.3	Ceiling finishes		128,605.16	32.90	3.06
4.0	Fittings, furnishings and equipment		305,310.00	78.10	7.26
5.0	Services		1,043,334.94	266.91	24.80
6.0	Complete buildings and building units		N/A	-	-
7.0	Work to existing buildings		N/A	-	-
8.0	External works		2,495,872.40	638.49	59.32
8	Sub-Total: Facilitating and Building Works		8,812,549.83	2,254.43	209.44
9.0	Main contractor's preliminaries (per week)	80	1,043,360.00	266.91	24.80
10.0	Main contractor's overheads and profit	10.00%	985,590.98		23.42
	TOTAL: Facilitating and Building Works		10,841,500.81	2,773.47	257.66
11.0	Project/design team fees	3.87%	419,408.00	107.29	9.97
12.0	Other development/project costs inc NHBC	1.40%	152,040.00	38.89	
13.0	Risk (contingency)	3.00%	29,567.73	7.56	
14.0	Inflation based on BCIS TPI	2.98%	323,188.37	82.68	7.68
	Estimated Cost Total (excl VAT) (see note 2)	£	11,765,704.91	3,009.90	279.63

Cost Plan Build Up

0.0	Facilitating works			N/A			
Ref	Group Element	Qty					
0.1	Toxic/ hazardous/contaminated material treatment				N/A		
0.2	Major demolition works				N/A		
0.3	Temporary support to adjacent structures				N/A		

	£	692,981.92		£	36,634.14
	_	,		~	,
	£	-			
	£	207,277.70		£	-
	£	651,898.54		£	29,558.92
	£	75,505.00		£	13,873.00
	£	1,422,526.33		-£	228,312.55
	£	366,932.40		£	94,605.69
	£	855,370.30		£	87,972.25
	£	244,162.00		-£	853.93
	£	162,778.80		£	4,610.00
	£	224,333.51		£	26,251.65
	£	130,866.42		£	2,261.26
	£	317,120.00		£	11,810.00
	£	1,383,147.82		£	339,812.88
	£	2,367,683.91		-£	128,188.49
	£	9,102,584.65	-	£	290,034.82
	L	9,102,364.03		L	290,034.62
	£		Not Unreasonable	£	-
8%	£	811,675.57	Rate High: Suggest 8%	-£	173,915.41
	£	10,957,620.22		£	116,119.41
3.87%	£	424,059.90	Percentage Not Unreasonable	£	4,651.90
	£	-	What does this cover?	-£	152,040.00
5%	£	547,881.01	Percentage Low; Suggest 5%	£	518,313.28
2.98%	£	326,537.08		£	3,348.71
	£	12,256,098.22	-	£	490,393.31
			_		

Temporary diversion works  Extraordinary site investigation works				N/A							
					l						
				N/A	ĺ						
Substructure			£ 656,347	7.78			£	692,981.92			
Group Element	Qty	Units	Rate	Values							
Substructure				656,347.78			£	692,981.92		£	36,634.14
Excavating to reduce levels; 600mm including disposal of clean excavated material	2,532	m3	45.11	114,218.52	£	55.00	£	139,260.00	Rate Low; Suggest £55/m3		
Piled foundations; Houses											
Abbey Pynford piled raft foundation system; voided ground floor slab; concrete piling mat	2,532	m2	147.96	374,624.61	£	147.96	£	374,634.72	Not Unreasonable		
Groundworker attendance on piling	4	weeks	7,500.00	30,000.00	£	2,500.00	£	10,000.00	Rate High; suggest £2,500/week		
Disposal of pile arisings	237	m3	48.07	11,411.05	£	50.00			Rate slightly low; suggest £50/m3		
Lowest floor construction							£	_			
Structural screeds: 75mm fibre-reinforced screed	2,532	m2	17.70	44,816.40	£	30.00	£	75,960.00	Rate Low; suggest circa £30/m2		
Insulation: 150mm PIR with 25mm to perimeters	2,532	m2	32.10	81,277.20	4						
Superstructure			£ 3,826,828	3.89			£	934,681.24			
Group Element	Qty	Units	Rate	Values							
Frame				N/A							
I Innor floors				207 277 70			£	207 277 70		c	-
				201,211.10			L	201,211.10		L	-
Timber floors: engineered posi-joists with 22mm T&G chipboard	2,114	m2	98.05	207,277.70	£	98.05	£	207,277.70	Not Unreasonable		
Roof				622,339.62			£	651,898.54		£	29,558.92
Roof structure											
Roof structure pitched roofs: prefabricated timber trusses	2,557	m2	66.91	171,088.87	£	66.91	£	171,088.87	Not Unreasonable	£	-
Spandrel panels: to party wall roof spaces; plasterboard lined sealed with fire rated sealant	116	m	155.24	18,007.84	£	155.24	£	18,007.84	Not Unreasonable	£	-
Bay windows: base, roof structure and coverings	2	nr	700.00	1,400.00	£	700.00	£	1,400.00	Not Unreasonable	£	-
Roof coverings											
Roof coverings; plain concrete tiles	3,462	m2	91.56	316,980.72	£	91.56	£	316,980.72	Not Unreasonable	£	-
Eaves, verge treatment to pitched roofs: UPVC fascias and soffits	1,267	m2	45.91	58,167.97	£	45.91	£			£	-
Roof drainage											
	668	m	9.50	6,346.00	£	9.50	£	6.346.00	Not Unreasonable	£	-
Gutters: UPVC			, 0.00	3,0.0.00							
Gutters: UPVC Rainwater pipes: UPVC	710	m	7.50	5,325.00	£	7.50	£	5,325.00	Not Unreasonable	£	-
			7.50	5,325.00	£	7.50	£	5,325.00	Not Unreasonable	£	-
F F F F F F F F F F F F F F F F F F F	Substructure Reduce Level Dig Excavating to reduce levels; 600mm including disposal of clean excavated material  Piled foundations; Houses Abbey Pynford piled raft foundation system; voided ground floor slab; concrete piling mat Groundworker attendance on piling Disposal of pile arisings  Lowest floor construction Structural screeds: 75mm fibre-reinforced screed Insulation: 150mm PIR with 25mm to perimeters  Superstructure  Group Element  Frame  Upper floors Floors; timber floors Timber floors: engineered posi-joists with 22mm T&G chipboard  Roof Roof structure Roof structure pitched roofs: prefabricated timber trusses  Spandrel panels: to party wall roof spaces; plasterboard lined sealed with fire rated sealant Bay windows: base, roof structure and coverings  Roof coverings Roof coverings; plain concrete tiles Eaves, verge treatment to pitched roofs: UPVC fascias and soffits	Substructure Reduce Level Dig Excavating to reduce levels; 600mm including disposal of clean excavated material  Piled foundations; Houses Abbey Pynford piled raft foundation system; voided ground floor slab; concrete piling mat Groundworker attendance on piling Lowest floor construction  Structural screeds: 75mm fibre-reinforced screed 2,532 Insulation: 150mm PIR with 25mm to perimeters 2,532 Superstructure  Group Element Qty  Frame  Upper floors Floors; timber floors Timber floors: engineered posi-joists with 22mm T&G chipboard  Roof Roof structure Roof structure Roof structure Bay windows: base, roof structure and coverings 2  Roof coverings; plain concrete tiles Eaves, verge treatment to pitched roofs: UPVC fascias and soffits  2,532 3,462 1,267	Substructure Reduce Level Dig Excavating to reduce levels; 600mm including disposal of clean excavated material  Piled foundations; Houses Abbey Pynford piled raft foundation system; voided ground floor slab; concrete piling mat Groundworker attendance on piling 4 weeks Disposal of pile arisings 237 m3  Lowest floor construction Structural screeds: 75mm fibre-reinforced screed 2,532 m2 Insulation: 150mm PIR with 25mm to perimeters 2,532 m2 Insulation: 150mm PIR with 25mm to perimeters 2,532 m2  Superstructure  Group Element Qty Units  Frame  Upper floors Floors; timber floors Timber floors: engineered posi-joists with 22mm T&G chipboard  Roof Roof structure pitched roofs: prefabricated timber trusses Spandrel panels: to party wall roof spaces; plasterboard lined sealed with fire rated sealant 116 m Bay windows: base, roof structure and coverings 2 nr  Roof coverings Roof coverings Roof coverings; plain concrete tiles 3,462 m2 Eaves, verge treatment to pitched roofs: UPVC lascias and soffits	Substructure Reduce Level Dig Excavating to reduce levels; 600mm including disposal of clean excavated material  Piled foundations; Houses Abbey Pynford piled raft foundation system; voided ground floor slab; concrete piling mat ground floor construction  Structural screeds: 75mm fibre-reinforced screed 2,532 m2 17.70 m2 32.10  Superstructure  E 3,826,821  Group Element  Qty Units Rate  Frame  Upper floors Floors; timber floors Floors; timber floors Floors; timber floors Floors; timber floors Roof structure pitched roofs: prefabricated timber trusses Spandrel panels: to party wall roof spaces; plasterboard lined sealed with fire rated sealant 116 m 155.24  Bay windows: base, roof structure and coverings 2 nr 700.00  Roof coverings Roof coverings Roof coverings; plain concrete tiles Eaves, verge treatment to pitched roofs: UPVC lascias and soffits	Substructure   Common   Comm	Substructure   Company   Company	Substructure	Substructure Reduce Level Dig Excavaring to reduce levels; 600mm including disposal of clean excavated material  Piled foundations; Houses Abbey Pynford piled raft foundation system; voided 2,532 m2 147.96 374,624.61 £ 147.96 £ ground floor sladic, concrete piling mat  Groundworker attendance on piling 4 weeks 7,500.00 30,000.00 £ 2,500.00 £ Excavating to reduce levels; 600mm including 2,532 m2 147.96 374,624.61 £ 147.96 £ ground floor sladic, concrete piling mat  Groundworker attendance on piling 4 weeks 7,500.00 30,000.00 £ 2,500.00 £ Excavating to reduce levels; 600mm including 237 m3 48.07 11,411.05 £ 50.00 £ Excavating to reduce levels; 600mm including 2,532 m2 11,700 44.816.40 £ 30.00 £ Excavating to reduce levels; 600mm including 2,532 m2 17.70 44.816.40 £ 30.00 £ Excavating to reduce levels; 600mm including 2,500.00 £ 2,500.00 £ Excavating to reduce levels; 600mm including 237 m3 45.11 114,218.52 £ 55.00 £ Excavating to reduce levels; 600mm including 2,532 m2 147.96 374,624.61 £ 50.00 £ Excavating to reduce levels; 600mm including 2,532 m2 147.96 374,624.61 £ 147.96 £ Exaver, 100 material structure and to determine the form including to the properties of t	Substructure Reduce Level Dig Excavating to reduce levels: 600mm including disposal of clean excavated material  Piled foundations; Houses Abbey Pyridord piled raft foundation system; voided 2,532 m2 147.96 374,624.61 £ 147.96 £ 374,634.72 ground floor slab; concrete piling mat  Groundworker attendance on piling mat  Groundworker attendance on piling and 4 weeks 7,500.00 30,000.00 £ 2,500.00 £ 11,000.00 £ 1,000.00	Substructure	Substructure

2.3.9	Insulation: 165mm + 70 rigid insulation to raking ceilings	249	m2	48.86	12,166.14	£	48.86	£	12,166.14	Not Unreasonable	£	-
	Dormers											
2.3.10	Pre-fabricated GRP dormer; pre-finished including associated flashings	14	Nr	875.00	12,250.00	£	875.00	£	12,250.00	Not Unreasonable	£	-
	Soffits											
2.3.11	Soffit boarding; to porch areas	92	m2	45.00	4,140.00	£	45.00	£	4,140.00	Not Unreasonable	£	-
2.4	Stairs and ramps				61,632.00			£	75,505.00		£	13,873.00
	Stair structures											
2.4.1	Stair structures: timber stairs to houses	42	Nr	870.00	36,540.00	£	1,200.00	£	50,400.00	Rate Low;suggest £1,200 each	£	13,860.00
	Stair balustrades and handrails; houses; affordable units											
2.4.2	Wall handrails: softwood, painted	78	m	25.00	1,938.75	£	25.00	£	1,950.00	Not Unreasonable	£	11.25
2.4.3	Combined balustrades and handrails: softwood, painted	56	m	65.00	3,646.50	£	65.00	£	3,640.00	Not Unreasonable	-£	6.50
	Stair balustrades and handrails; houses; market sale units											
2.4.4	Wall handrails: oak	219	m	35.00	7,649.25	£	35.00	£	7,665.00	Not Unreasonable	£	15.75
2.0	Superstructure		'	£ 3,826,828.	39							
Ref	Group Element	Qty	Units	Rate	Values							
2.4.5	Combined balustrades and handrails: softwood balustrades with oak handrails, painted	158	8 m	75.00	11,857.50	£	75.00	£	11,850.00	Not Unreasonable	-£	7.50
2.5	External walls				1,650,838.88			£	1,422,526.33		-£	228,312.56
2.0	External enclosing walls above ground level				1,000,000.00			~	1,422,020.00		~	220,012.00
2.5.1	External walls: 100mm blockwork inner skin to cavity walls	5,450	m2	62.79	342,219.94	£	52.00	£	283,400.00	Rate High; suggest circa £52/m2	-£	58,819.94
2.5.2	External walls: forming cavities inc 100mm rigid insulation	5,450	m2	24.62	134,184.66	£	18.00	£	98,100.00	Rate High; suggest circa £18/m2	-£	36,084.66
2.5.3	External walls: 102.5mm facing brickwork; brick supply PC sum £700/1,000	5,450	m2	123.11	670,977.82	£	112.00	£	610,400.00	Rate High: suggest circa £112/m2	-£	60,577.82
2.5.4	External walls: extra-over projecting header detail to feature areas	269	m2	49.50	13,315.50	£	49.50	£	13,315.50	Not Unreasonable	£	-
	Lintels: twin skin metal Catnic insulated lintels	651	m	68.91	44,859.82		68.91			Not Unreasonable	£	0.59
2.5.6	Extra over external walls for sundry detailing: corbelling at eaves, projecting band courses and soldier coursing	5,450	m2	8.50	46,326.96	£	8.50	£	46,325.00	Not Unreasonable	-£	1.96
2.5.7	Cavity closers / formers to openings: 125mm wide pre- fabricated opening formers also acting as cavity closers to perimeters of windows and doors	3,431	m	23.13	79,359.03	£	13.82	£	47,416.42	Rate High; Thermabate 100mm cavity closer = £8.82/m, labour say £5/m = £13.82	£	31,942.61
2.5.8	Brickwork sundries: weep vents, cavity trays, air bricks, periscope ventilators etc	5,450	m2	12.00	65,402.76	£	4.50	£	24,525.00	Rate High; suggest circa £4.5/m2	-£	40,877.76
2.5.9	Scaffolding: houses	42	nr	6,052.20	254,192.40	£	6,052.00	£	254,184.00	Not Unreasonable	-£	8.40
2.6	Windows and external doors				272 226 74			£	366,932.40		c	94,605.69
2.0	External windows				272,326.71			L	300,932.40		£	94,003.09
264		507	m2	240 50	101 074 57	L.	450.00	r	220 150 00	Poto Low guagast sizes CAEO/		106 175 40
2.6.1	Windows: grey UPVC, u-value 1.4w/m2k Window boards: 25mm MDF primed		m2	240.58	121,974.57		450.00	L	220,150.00	Rate Low; suggest circa £450/m2	£	106,175.43
2.6.2		497	m	25.18	12,514.46		25.18	C	05.40	Not Unreasonable	-£	12,489.28

2.6.3	Painting to window boards: 1nr undercoat and 1nr satin finishing coat	497	m	3.65	1,814.05	£	5.50	£	2,733.50	Rate Low; suggest circa £5.50/m	£	919.45
	External doors											
2.6.4	External doors: single GRP entrance door to houses plus glazed UPVC sidescreen	42	Nr	1,124.92	47,246.43	£	1,124.92	£	47,246.64	Not Unreasonable	£	0.21
2.6.5	External doors: single GRP rear door to houses	14	Nr	585.00	8,190.00	£	585.00	£	8,190.00	Not Unreasonable	£	-
2.6.6	External doors: UPVC French doors; 2,050 x 2,050	42	Nr	1,156.24	48,562.21	£	1,156.24	£	48,562.08	Not Unreasonable	-£	0.13
2.6.7	External doors: bespoke timber slatted doors to meter cupboards	42	Nr	650.00	27,300.00	£	650.00	£		Not Unreasonable	£	-
2.6.8	Garage doors: retractable up and over pre-finished steel panel	7	Nr	675.00	4,725.00	£	675.00	£	4,725.00	Not Unreasonable	£	-
2.7	Internal walls and partitions				767,398.05			£	855,370.30		£	87,972.25
	Walls and partitions											
2.7.1	Linings to external walls: 12.5mm plasterboard on dabs and 3mm skim coat	5,017	m2	18.07	90,657.19	£	24.00	£	120,408.00	Rate Low; suggest circa £24.00/m2	£	29,750.81
2.7.2	Internal walls: non-loadbearing timber stud partitions, 12.5mm plasterboard both sides with 25mm Gypsum Isowool 1200 insulation and 3mm skim coat	7,711	m2	67.64	521,572.04	£	75.00	£	578,325.00	Rate Low; suggest circa £75/m2	£	56,752.96
2.0	Superstructure			£ 3,826,828.	89						£	-
Ref	Group Element	Qty	Units	Rate	Values							
2.7.3	Blockwork party walls: 2 x 100mm blockwork to houses, 80mm mineral wool insulation, 12.5mm plasterboard on dabs and 3mm skim coat	788	m2	169.72	133,654.50	£	170.00	£	133,960.00	Rate slightly low; as proposed above £170/m2	£	- 305.50
2.7.4	Extra over internal walls for forming openings in walls for internal doors and the like	465	Nr	5.50	2,557.50	£	-	£	-	Should be included as measured gross with no deductions for openings	-£	2,557.50
2.7.5	Extra over plywood patressing to stud partitions: 18mm plywood behind kitchen wall units, and as required to bathrooms, staircases etc	504	m2	23.33	11,758.32	£	25.23	£	12,715.92	Rate Low; suggest £25.23/m2	£	957.60
2.7.6	Extra over moisture resistant plasterboard: to bathrooms and en-suites	1,439	m2	1.50	2,158.50	£	3.42	£	4,921.38	Rate Low; suggest £3.42/m2	£	2,762.88
2.7.7	Return visits: plastering (4hrs per plot)	42	nr	120.00	5,040.00	£	120.00	£	5,040.00	Presumably for Making Good!!!		
2.8	Internal doors				245,015.93			£	244,162.00		-£	853.93
	Internal doors										£	-
2.8.1	Internal doors: market sale houses 1,981 x 762 doorset, flush primed with associated ironmongery	362	Nr	340.00	123,080.00	£	340.00	£	123,080.00	Not Unreasonable	£	-
						_		£	35 020 00	Matthanasanahla	£	
2.8.2	Internal doors: affordable houses 1,981 x 762 doorset, flush primed with associated ironmongery	103	Nr	340.00	35,020.00	£	340.00	۷	00,020.00	Not Unreasonable	L	-
2.8.2	Internal doors: affordable houses 1,981 x 762	103 4,743		340.00 4.50			340.00 4.50		21,343.50	Not Unreasonable	£	-
	Internal doors: affordable houses 1,981 x 762 doorset, flush primed with associated ironmongery		m		35,020.00 21,343.50 17,311.95	£		£	21,343.50	Rate Low; suggest £5.50/m		- 8,774.55
2.8.3	Internal doors: affordable houses 1,981 x 762 doorset, flush primed with associated ironmongery  Architraves: 44mm square edge MDF  Painting to architraves: 1nr undercoat and 1nr satin	4,743	m m	4.50	21,343.50	££	4.50	£	21,343.50 26,086.50		£	8,774.55 7,110.50
2.8.3 2.8.4	Internal doors: affordable houses 1,981 x 762 doorset, flush primed with associated ironmongery  Architraves: 44mm square edge MDF  Painting to architraves: 1nr undercoat and 1nr satin finishing coat  Painting to door frames: 1nr undercoat and 1nr satin	4,743 4,743	m m m	4.50 3.65	21,343.50 17,311.95	£££	4.50 5.50	£	21,343.50 26,086.50 18,976.00	Rate Low; suggest £5.50/m	£	

	Internal finishes			£ 484,855.	82
Ref	Group Element	Qty	Units	Rate	Values
3.1	Wall finishes				158,168.8
	Wall finishes - houses				
3.1.1	Finishes to walls: 1nr mist coat and 2nr full coat painted	13,754	m2	7.20	99,028.80
3.1.2	Finishes to walls: tiling to bathrooms; market sale units; PC sum rate of £40/m2 for supply of tiles; 600 x 300 tiles	554	m2	80.00	44,320.00
3.1.3	Finishes to walls: tiling to bathrooms; affordable units; PC sum rate of £25/m2 for supply of tiles; 150 x 150	184	m2	60.00	11,040.00
3.1.4	Return visits: decorating (3hrs per plot)	42	nr	90.00	3,780.00
3.2	Floor finishes				198,081.86
	Finishes to floors				
3.2.1	Finishes to floors: vinyl to affordable units; kitchens and bathrooms; Tarkett	119	m2	29.28	3,484.32
3.2.2	Finishes to floors: vinyl to sale and shared ownership units; kitchens, hallways and bathrooms; Amtico Spacia	1,354	m2	41.97	56,827.38
3.2.3	Finishes to stairs: carpet sale and shared ownership units; landings and bedrooms; 70/30 wool/nylon twist	1,249	m2	31.59	39,455.91
3.2.4	Finishes to stairs: carpet to treads and risers to market sale and shared ownership units; 70/30 wool/nylon twist	698	m	16.66	11,620.35
3.2.5	Levelling screeds: 6mm latex screed to areas with vinyl on screed	1,282	m2	6.20	7,948.40
3.2.6	Liquid DPM: to screeded areas with floor finishes	1,282	m2	8.00	10,256.0
3.2.7	Skirtings and the like: 100mm square edge MDF skirting boards	5,730	m	7.82	44,808.60
3.2.8	Painting to skirtings: 1nr undercoat and 1nr satin finishing coat	5,730	m	3.65	20,914.50
3.2.9	Painting to floors: epoxy paint to garage floors	138	m2	20.00	2,766.4
2.2	Ceiling finishes				400 COE 44
3.3	Finishes to ceilings				128,605.10
3.3.1	Insulation to ceilings: 100mm mineral wool to ceiling voids to houses	3,909	m2	6.44	25,173.9
3.3.2	Plasterboard to ceilings: 15mm plasterboard with 3mm skim coat	3,909	m2	18.48	72,238.3
3.3.3	Extra over moisture resistant plasterboard: to bathrooms and en-suites	280	m2	1.50	420.00
3.3.4	Finishes to ceilings: 1nr mist coat and 2nr full coat painted	3,909	m2	7.20	28,144.80
3.3.5	Garage ceilings: 240mm mineral wool insulation; 2x 15mm fire rated plasterboard	138	m2	19.00	2,628.08
4.0	Fittings, furnishings and equipment			£ 305,310.0	0
Ref	Group Element	Qty	Units	Rate	Values

	£	162,778.80		£	4,610.00
7.20	c	00 039 90	Data not Unrespondble if Carey Deinted	£	-
7.20	L	99,026.60	Rate not Unreasonable if Spray Painted	L	-
85.00	£	47,090.00	Rate Low; Suggest £85.00/m2	£	2,770.00
70.00	£	12,880.00	Rate Low; suggest £70.00/m2	£	1,840.00
		•	There is a significant of the similar of the simila		·
90.00	c	2 790 00	Drogumably making good!	£	
90.00	L	3,760.00	Presumably making good!!	L	-
	£	224,333.51		£	26,251.65
35.00	£	4,165.00	Rate Low; suggest £35.00/m2	£	680.68
				_	
50.00	£	67,700.00	Rate Low; suggest £50.00/m2	£	10,872.62
31.59	£	39,455.91	Rate Not Unreasonable	£	-
20.00	£	13,960.00	Rate Low; suggest £20.00/m2	£	2,339.65
9.00	£	11,538.00	Rate Low; Suggest £9.00/m2	£	3,589.60
				_	
5.50			Rate High; suggest £5.50/m2	-£	3,205.00
7.82	L	44,606.60	Rate Not Unreasonable	£	-
5.50	£	31,515.00	Rate Low; Suggest £5.5/m	£	10,600.50
30.00	£	4.140.00	Rate Low; Suggest £30.00/m	£	1,373.60
	£	130,866.42		£	2,261.26
6.44	£	25,173.96	Not Unreasonable	£	-
10.40	c	72 220 22	Natiliareasanakia	£	
18.48	L	12,230.32	Not Unreasonable	L	-
1.50	£	420.00	Not Unreasonable	£	-
7.20	£	28.144.80	Rate not Unreasonable if Spray Painted	£	_
			, ,		
35.43	£	4,889.34	Rate Low; suggest £35.43/m2	£	2,261.26

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4.1	Fittings, furnishings and equipment				305,310.00			£	317,120.00		£	11,810.00
	General fittings, furnishings and equipment				,				·		£	-
4.1.1		11	Nr	135.00	1,485.00	£	135.00	£	1,485.00	Not Unreasonable	£	-
4.1.2		11	Nr	25.00	275.00		25.00			Not Unreasonable	£	-
4.1.3	-		Nr	30.00	330.00		30.00			Not Unreasonable	£	-
4.1.4	ū		Nr	70.00	2,940.00	£	70.00			Not Unreasonable	£	-
	Domestic kitchen fittings and equipment										_	
4.1.5	Kitchens: market sale and shared ownership units - Type HC; Symphony Woodbury or Urban range with 22mm laminated worktops and 95mm laminated upstands	7	Nr	5,500.00	38,500.00	£	5,500.00	£	38,500.00	Not Unreasonable	£	-
4.1.6	Kitchens: market sale and shared ownership units - Type HE; Symphony Woodbury or Urban range with 22mm laminated worktops and 95mm laminated upstands	10	Nr	5,700.00	57,000.00	£	5,700.00	£	57,000.00	Not Unreasonable	£	-
4.1.7	Kitchens: market sale and shared ownership units - Type HG; Symphony Woodbury or Urban range with 22mm laminated worktops and 95mm laminated upstands	7	Nr	6,000.00	42,000.00	£	6,000.00	£	42,000.00	Not Unreasonable	£	-
4.1.8	Kitchens: market sale and shared ownership units - Type HK; Symphony Woodbury or Urban range with 22mm laminated worktops and 95mm laminated upstands	7	Nr	6,400.00	44,800.00	£	6,400.00	£	44,800.00	Not Unreasonable	£	-
4.1.9	Kitchens: utility rooms	7	Nr	2,000.00	14,000.00	£	2,000.00	£	14,000.00	Not Unreasonable	£	-
4.1.10 QQ N	·	7	Nr	1,970.00	13,790.00		3,000.00	£		Rate Low; Suggest £3,000	£	7,210.00
4.1.11 U	Kitchens: affordable rent units - Type HD; Syphony Virginia or Hacidenda range with 40mm laminated worktops	4	Nr	2,100.00	8,400.00	£	3,250.00	£	13,000.00	Rate Low; Suggest £3,250	£	4,600.00
4.1.12	2 Hob: Bosch 4 burner gas hob	31	nr	220.00	6,820.00	£	220.00	£	6,820.00	Not Unreasonable	£	-
4.1.13	Cooker hood: Bosch Series 2 wall mounted cooker hood	31	nr	475.00	14,725.00	£	475.00	£	14,725.00	Not Unreasonable	£	-
4.1.14	Oven: Bosch double electric oven	31	nr	575.00	17,825.00	£	575.00	£	17,825.00	Not Unreasonable	£	-
4.1.15	Fridge Freezer: Zanussi integrated fridge freezer	31	nr	475.00	14,725.00	£	475.00	£	14,725.00	Not Unreasonable	£	-
4.1.16	Dishwasher: Zanussi integraed dishwasher	31	nr	365.00	11,315.00	£	365.00	£	11,315.00	Not Unreasonable	£	-
4.1.17	Washing Machine: Zanussi integrated 7kg washing machine	24	nr	560.00	13,440.00	£	560.00	£	13,440.00	Not Unreasonable	£	-
4.1.18	Washing Machine: Zanussi free-standing 8kg washing machine	7	nr	420.00	2,940.00	£	420.00	£	2,940.00	Not Unreasonable	£	-
5.0	Services		•	£ 1,043,334.94				£	1,383,147.82		£	1,383,147.82
Ref	Group Element	Qty	Units	Rate	Values							
5.1	Sanitary installations				113,313.34			£	113,313.52		£	0.18
	Sanitary appliances											
5.1.1	Sanitary appliance: per bathroom / en-suite	73	Nr	1,552.24	113,313.34	£	1,552.24	£	113,313.52	Not Unreasonable for low quality appliances	£	0.18
5.2	Services equipment				N/A							
	Services equipment											

		Cold water distribution										
5	5.4.2	Cold water distribution: distribution to kitchens and bathrooms	42	nr	1,344.31		56,460.82	£	1,344.31	£	56,461.02	Not Unreasonable
-	5.4.3	Hot water distribution  Hot water distribution: distribution to kitchens and	42	nr	1,394.26		58,558.87	£	1,394.26	r	59 559 02	Not Unreasonable
	0.4.3	bathrooms	42	"	1,394.20	<u>'</u>	30,330.67	L	1,394.20	L	36,336.92	Not Unreasonable
	5.5	Heat source Heat source					119,271.80			£	126,000.00	
5	5.5.1	Heat source (nr): gas boilers	42	Nr	2,839.80		119,271.80	£	3,000.00	£	126,000.00	Rate Low; Suggest circa
	5.6	Space heating and air conditioning					205,854.78			£	205,854.60	
Page	5.6.1	Central heating Central heating systems: wet central heating systems with radiators	42	nr	4,901.30		205,854.78	£	4,901.30	£	205,854.60	Not Unreasonable
je 2	5.7	Ventilation					68,900.61			£	68,900.58	
266 5	5.7.1	Extract ventilation Extract ventilation systems: MEV to bathrooms	42	nr	1,640.49		68,900.61	£	1,640.49	£	68,900.58	Not Unreasonable
	5.8	Electrical installations					230,622.69			£	630,924.00	
	0.4	Power installations	40		2 24 4 00		120 101 21	٦.				
0	5.8.1	Power installation: small power	42	nr	3,314.08		139,191.21			£	-	
5	5.8.2	Lighting installations Lighting installations	42	nr	1,882.82	2	79,078.41	£	15,022.00	£	630,924.00	Rate Low; Suggest £14/s
		Earthing and bonding systems								£	-	
_	5.8.3 <b>5.0</b>	Earthing and bonding systems Services	42	nr	£ 1,043,334		12,353.07	J		£	-	
	Ref	Group Element	Qty	Units	Rate	,	/alues					
	5.9	Fuel installations				N/A						
	5.10	Lift and conveyor installations				N/A						
;	5.11	Fire and lightning protection				N/A						
		I .	1	I	1	1	I					
ŧ	5.12	Communication, security and control systems Communication systems					67,216.73			£	-	

		£	73,517.22		-£	0.05
£	1,750.41	£	73,517.22	Not Unreasonable	-£	0.05
		£	124,737.90		£	0.18
£	231.38	£	9,717.96	Not Unreasonable	-£	0.07
£	1,344.31	£	56,461.02	Not Unreasonable	£	0.20
£	1,394.26	£	58,558.92	Not Unreasonable	£	0.05
		£	126,000.00		£	6,728.20
£	3,000.00	£	126,000.00	Rate Low; Suggest circa £3,000	£	6,728.20
		£	205,854.60		-£	0.18
£	4,901.30	£	205,854.60	Not Unreasonable	-£	0.18
			68,900.58		-£	0.03
£	1,640.49	£	68,900.58	Not Unreasonable	-£	0.03
		£	630,924.00		£	400,301.31
		£ £	- - -		-£	139,191.21
£	15,022.00	£	630,924.00	Rate Low; Suggest £14/sqft = £15,022/unit	£	551,845.59
		£	- -		-£	12,353.07
		£			-£	67,216.73
		~			~	-,=:0::0

Г	5.12.1	Telecommunication systems	42	nr	216.39	9,088.38
	5.12.2	Smoke detection and alarm systems: to suit Building Regulation requirements		nr	537.61	22,579.58
	5.12.3	Radio and televisions: to houses	42	nr	846.40	35,548.77
	5.13	Specialist installations				N/A
	5.14	Builder's work in connection with services				39,900.00
$\vdash$	5.14.1	Builder's work in connection with services  Builder's work: cutting , chasing, drilling	42	units	550.00	23,100.00
	5.14.2	Mastic sealing: around windows, sanitaryware,				
		kitchen worktops, skirtings for air tightness	42	units	400.00	16,800.00
	6.0	Complete buildings and building units			N/A	
	Ref	Group Element	Qty	Units	Rate	Values
	6.1	Prefabricated buildings and building units				N/A
	<b>VI</b> .	l rotabilourou buildinge und building unite				
	7.0	Work to existing buildings	<u>'</u>		<u>'</u>	N/A
	Ref	Group Element	Qty	Units	Rate	Values
	7.1	Minor demolition works and alteration works				N/A
T		Minor demolition and alteration works				
à						
Page 26	7.2	Repairs to existing services				N/A
26		Repairs to existing services				
7	7.3	Damp-proof courses/fungus and beetle				N/A
		Damp-proof courses				
-		Fungue/heatle aredisation				
		Fungus/beetle eradication				
	7.4	Façade retention				N/A
		Facade retention				
	7.5	Cleaning evicting evictors				NI/A
	7.5	Cleaning existing surfaces Cleaning existing surfaces				N/A
		Oldaning database				
		Protective coatings to existing surfaces				
	7.6	Renovation works				N/A
		Masonry repairs				
		Concrete repairs				
		Concrete repairs				
		Metal repairs				
$\vdash$		Timber repairs				
-		Timbel Tepail 3				
		Plastics repairs				
	8.0	External works			£ 2,495,872	40

		£	-	Included above	-£	9,088.38
		£	-	Included above	-£	22,579.58
		£	-	Included above	-£	35,548.77
		£	39,900.00		£	-
					£	-
£	550.00	£	23,100.00	Not Unreasonable	£	-
£	400.00	£	16,800.00	Not Unreasonable	£	-

£ 2,367,683.91

Ref	Group Element	Qty	Units	Rate	Values							
8.1	Site preparation works				16,850.72			£	16,850.72		£	-
	Site clearance											
8.1.1	Clearing vegetation: to all areas except where planting is retained	18,316	m2	0.57	10,440.12	£	0.57	£	10,440.12	Not Unreasonable	£	-
8.1.2	Applying herbicides	18,316	m2	0.35	6,410.60	£	0.35	£	6,410.60	Not Unreasonable	£	-
8.2	Roads, paths, pavings and surfacings				1,087,542.41			£	1,027,979.67		£ <b>-£</b>	59,562.74
	Roads, paths and pavings				.,001,01=111			_	1,021,010101		£	-
	Roads: 450mm 6F2 capping layer, 150mm Type 1 sub- base, tarmac comprising 125mm base, 60mm binder and 40mm surface courses including all associated excavation	1,208	m2	119.01	143,746.23	£	135.00	£	163,080.00	Rate Low; suggest £135/m2	£	19,333.77
	Shared surface road: 450mm 6F2 capping layer, 150mm Type 1 sub-base, tarmac comprising 125mm base course, 50mm sand bed, 80mm concrete paviours including all associated excavation	1,405	m2	162.08	227,722.40	£	125.00	£	175,625.00	Rate High; Suggest 125/m2	£-	52,097.40
8.2.3	Cycle path: 275mm Type 1 sub-base, tarmac comprising 75mm binder and 25mm surface courses	548	m2	63.51	34,803.48	£	85.00	£	46,580.00	Rate Low; Suggest £85/m2	£	11,776.52
	Driveways & plot footpaths: 350mm Type 1 sub-base, tarmac comprising 150mm base course, 50mm sand bed, 80mm concrete paviours including all associated excavation	1,872	m2	150.38	281,511.36	£	120.00	£	224,640.00	Rate High; Suggest £120/m2	-£	56,871.36
	Footpaths: 200mm 6F2 capping layer, 100mm Type 1 sub-base, tarmac comprising 60mm binder and 20mm surface course with concrete block paviours to perimeters including all associated excavation	969	m2	129.98	125,950.62	£	129.98	£	125,950.62	Not Unreasonable	£	-
8.2.6	Patios: 100mm 6F2 sub-base, 50mm sand bed and 600 x 600 Peak Riven concrete paving slabs including all associated excavation	768	m2	56.19	43,153.92	£	80.00	£	61,440.00	Rate Low; Suggest £80/m2	£	18,286.08
	Extra over: alternative road build up to infiltration paving areas comprising 450mm Type 3, 150mm perforated tarmac base course, geotextile membrane, 50mm OGC, geotextile membrane, 80mm concrete paviours	1,212	m2	35.81	43,401.72	£	35.81	£	43,401.72	Not Unreasonable	£	-
	Extra over: alternative road build up to tanked permeable paving areas comprising 450mm Type 3, 150mm perforated tarmac base course, geotextile membrane, 50mm OGC, geotextile membrane, 80mm concrete paviours	599	m2	35.81	21,450.19	£	35.81	£	21,450.19	Not Unreasonable	£	-
8.2.9	Shed bases: 100mm concrete with mesh reinforcement on 150mm 6F2 base	101	m2	48.26	4,864.61	£	48.26	£	4,874.26	Not Unreasonable	£	9.65
8.2.10	Linking to crossover: to adjacent developments	3	nr	7,500.00	22,500.00	£	7,500.00	£	22,500.00	Not Unreasonable	£	-
	Kerbs: conservation type	864	m	70.98	61,326.72		70.98			Not Unreasonable	£	-
8.2.12	Edgings: conservation type	2,239	m	34.44	77,111.16	£	34.44	£		Not Unreasonable	£	-
8.3	Soft landscaping, planting and irrigation systems				214,128.28			£	232,868.68		£	- 18,740.40
0.0.1	Topsoil				40.224.44	_		•	40.000		£	-
8.3.1	Topsoil to soft areas: obtained from site strip; 325mm average depth	1,472	m3	6.84	10,071.44	£	6.84	£	10,068.48	Not Unreasonable	-£	2.96

8.0	External works			£ 2,495,872.4	0							
Ref	Group Element	Qty	Units	Rate	Values							
8.3.2	Topsoil to soft areas: imported; 325mm average depth	1,472	m3	69.85	102,849.41	£	69.85	£	102,819.20	Not Unreasonable	-£	30.2
	Seeding and turfing											
8.3.3	Grassed areas: rear gardens; turf	3,588	m2	5.78	20,738.64	£	9.50	£	34,086.00	Rate Low; Suggest £9.50/m2	£	13,347.3
8.3.4	Soft landscaping: to balance of site area; 80% grass seed	3,378	m2	5.78	19,526.00	£	3.50	£	11,823.00	Rate High: Suggest £3.50/m2	-£	7,703.00
8.3.5	Maintenance of grassed areas: details, 12 months average	6,966	m2	1.00	6,966.20	£	1.00	£	6,966.00	Not Unreasonable	-£	0.20
	External planting											
8.3.6	Soft landscaping: to balance of site area; 20% shrubs and hedges	1,448	m2	18.50	26,784.30	£	18.50	£	26,788.00	Not Unreasonable	£	3.70
8.3.7	Trees: 3-4m high, 12-14cm girth	75	Nr	275.00	20,625.00	£	450.00	£	33,750.00	Rate Low; Suggest £450/nr	£	13,125.00
8.3.8	Maintenance work to plants and shrubs and planting beds: details, 12 months average	1,448	m2	3.50	5,067.30	£	3.50	£	5,068.00	Not Unreasonable	£	0.70
8.3.9	Maintenance work to trees: details, 12 months average	75	Nr	20.00	1,500.00	£	20.00	£	1,500.00	Not Unreasonable	£	-
											£	-
8.4	Fencing, railings and walls				96,670.00			£	93,520.00		-£	3,150.00
	Fencing and railings										£	-
8.4.1	Fencing: 1,800mm close boarded fencing with timber posts and gravel boards	1,015	m	88.00	89,320.00	£	88.00	£	89,320.00	Not Unreasonable	£	-
8.4.2	Gates: timber to gardens	42	Nr	175.00	7,350.00	£	100.00	£	4,200.00	Rate High; Suggest £100/nr	-£ £	3,150.00
8.5	External fixtures				23,465.00			£	23,465.00		£	-
	Site/street furniture and equipment										£	-
8.5.1	Sheds: shiplap timber shed with apex roof and side window; 1.8m x 1.6m	35	Nr	650.00	22,750.00	£	650.00	£	22,750.00	Not Unreasonable	£	-
8.5.2	Rotary dryers; affordable rent units	11	Nr	65.00	715.00	£	65.00	£	715.00	Not Unreasonable	£	-
8.6	External drainage				557,148.46			£	489,539.21		-£	67,609.25
	Surface water drainage				, , ,				,		£	-
8.6.1	sewers: connection points and details to be confirmed	1	Nr	17,200.00	17,200.00	£	17,200.00	£	17,200.00	Not Unreasonable	£	-
8.6.2	Drainage runs; below ground: 225mm pipe, average 1,500mm deep	52	m	330.88	17,205.76	£	225.00	£	11,700.00	Rate High; Suggest £225/m	-£	5,505.76
8.6.3	Drainage runs; below ground: 150mm pipe, average 1,000mm deep	57	m	156.99	8,948.43	£	75.00	£	4,275.00	Rate High; Suggest £75/m	-£	4,673.43
8.6.4	Drainage runs; below ground: 100mm pipe, average 1,000mm deep under tertiary roads	1,129	m	83.96	94,790.84	£	83.96	£	94,790.84	Not Unreasonable	£	-
8.6.5	Prefabricated channels: Marshalls Birco 100 linear drain	168	m	176.35	29,626.80	£	150.00	£	25,200.00	Rate High; Suggest £150/m	-£	4,426.80
8.6.6	Manholes and the like: 1,050 diameter PCC, average 1,000mm deep	4	Nr	2,500.00	10,000.00	£	2,500.00	£	10,000.00	Not Unreasonable	£	-
8.6.7	Manholes and the like: 1,050 diameter PCC, average 1,000mm deep; with flow control device	2	Nr	6,875.00	13,750.00	£	3,500.00	£	7,000.00	Rate High; Suggest £3,500/nr	-£	6,750.00
8.6.8	Diffuser units discharging into permeable paving	63	Nr	201.00	12,663.00	£	201.00	£	12,663.00	Not Unreasonable	£	-
8.6.9	RWP connections		nr	68.90	9,783.80		68.90			Not Unreasonable	£	-
	PPIC; 450mm diameter		nr	789.67	108,974.46		650.00			Rate High; Suggest £650/nr	-£	19,274.46
	Testing of installations	1.0	0.4		3,229.43		3,229.43		3,229.43		C	•

8.0	External works			£ 2,495,872.4	40					
Ref	Group Element	Qty	Units	Rate	Values					
8.6.12	Commissioning of installations	1.0	%		3,229.43	£	3,229.43	£	3,229.43	Not Unreasonable
					,		•		,	
8.6.13	Foul water drainage sewers: connection points and details to be confirmed	1	Nr	17,200.00	17,200.00	£	17,200.00	£	17,200.00	Not Unreasonable
8.6.14	Drainage runs; below ground: 150mm pipe, average 1,250mm deep	226	m	168.00	37,968.00	£	90.00	£	20,340.00	Rate High; Suggest £90/m
8.6.15	Drainage runs; below ground: 100mm pipe, average 1,000mm deep	995	m	83.96	83,540.20	£	83.96	£	83,540.20	Not Unreasonable
8.6.16	Manholes and the like: 1,050 diameter PCC, average 1,000mm deep	12	Nr	2,500.00	30,000.00	£	2,500.00	£	30,000.00	Not Unreasonable
8.6.17	SVP connections	116	nr	68.90	7,992.40	£	68.90	£	7,992.40	Not Unreasonable
8.6.18	PPIC; 450mm diameter	42	nr	789.67	33,166.14	£	650.00	£	27,300.00	Rate High; Suggest £650/nr
8.6.19	Testing of installations	1.0	%		2,098.67	£	2,098.67	£	2,098.67	
8.6.20	Commissioning of installations	1.0	%		2,098.67			£	-	Should be included
	Ancillary drainage systems									
8.6.21	Culverts: box culvert over swale	1	item	5,000.00	5,000.00	£	5,000.00	£	5,000.00	Unable to Comment
	Attenuation basins and swales									
8.6.22	Infilling of existing swale	41	m3	6.84	280.44	£	6.84	£	280.44	Not Unreasonable
8.6.23	Excavation to form diverted swale	169	m3	45.11	7,623.59	£	30.00	£	5,070.00	Rate High; Suggest £30/m3
8.6.24	Seeding to surface of basins: grass seed	556	m2	1.40	778.40	£	3.50	£	1,946.00	Rate Low; Suggest £3.50/m2
8.7	External services				469,319.51			£	451,169.51	
	Water mains supply									
8.7.1	Connections to statutory undertaker's water main: Anglian Water budget estimate	1	item	56,223.60	56,223.60	£	56,223.60	£	56,223.60	Unable to Comment
8.7.2	Statutory charges: water infrastructure charges	42	nr	363.34	15,260.28	£	363.34	£	15,260.28	Not Unreasonable
8.7.3	Statutory charges: sewerage infrastructure charges	42	nr	295.37	12,405.54	£	295.37	£	12,405.54	Not Unreasonable
	Electricity mains supply									
8.7.4	Connections to statutory undertaker's electrical main: UKPN budget estimate	1	item	211,556.37	211,556.37	£	211,556.37	£	211,556.37	Unable to Comment
	Gas mains supply									
8.7.5	Connections to statutory undertake r's gas main: British Gas budget estimate	1	item	5,298.72	5,298.72	£	5,298.72	£	5,298.72	Unable to Comment
	Telecommunications and other communication system connections									
8.7.6	Telecommunication connections: free of charge	1	item	0.00	-					
i	External/street lighting systems									
8.7.7	External lighting to roads: 1nr LED column per 12m of road	29	Nr	2,500.00	72,500.00	£	2,500.00	£	72,500.00	Not Unreasonable
	Electrical vehicle charging									
8.7.8	Domestic charging points to houses: sale and shared ownership units; 3.2kw	31	Nr	1,200.00	37,200.00	£	1,200.00	£	37,200.00	Not Unreasonable
	1			£ 2,495,872.4						

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17,628.00

5,866.14

2,098.67

2,553.59

1,167.60

18,150.00

Ref	Group Element	Qty	Units	Rate	Values
8.7.9	Domestic charging points to houses: affordable rent; wiring and ducts only	11	Nr	200.00	2,200.00
	Builder's work in connection with external services				
8.7.10	Ducts and the like: trenching and ducting to water, electric and telecommunications services to serve all properties	605	m	85.00	51,425.0
8.7.11	BWIC sundries: meter pits, draw pits, meter boxes etc	42	nr	125.00	5,250.0
8.8	Minor building works and ancillary buildings				30,748.0
	Substation enclsoure				
8.8.1	Base: 100mm concrete with mesh reinforcement on 150mm 6F2 base	36	m2	48.26	1,756.6
8.8.2	Walls: 215mm fully bonded facing brickwork	75	m2	246.22	18,466.5
8.8.3	Roof structure: timber roof trusses	36	m2	66.91	2,435.5
8.8.4	Roof coverings: plain concrete roof tiles	46	m2	67.72	3,081.2
8.8.5	Roofline: UPVC	27	m	45.91	1,239.5
8.8.6	Gutters	13	m	9.50	123.5
8.8.7	Downpipes	6	m	7.50	45.0
8.8.8	Steel door: single	1	nr	1,250.00	1,250.0
8.8.9	Steel door: double	1	nr	2,000.00	2,000.0
8.8.10	Louvred vent	1	nr	350.00	350.0
CASHFL	OW FORECAST			-	
	ted Cost Total: £11,765,704.91 Anticipa				18

	Builders	s Work	Gross Valuation £	Retention £		Net Valuation £	VAT 20% £	Amount due (incl VAT)	
Val Nr	Cumulative Figure	Monthly Figure						£	
1	138,175	138,175	138,175	-6,909	#	131,266	26,253	157,520	
2	462,350	324,175	324,175	-16,209	#	307,966	61,593	369,559	
3	949,020	486,670	486,670	-24,334	#	462,337	92,467	554,804	
4	1,574,681	625,661	625,661	-31,283	#	594,378	118,876	713,254	
5	2,315,830	741,149	741,149	-37,057	#	704,091	140,818	844,909	
6	3,148,961	833,132	833,132	-41,657	#	791,475	158,295	949,770	
7	4,050,572	901,610	901,610	-45,081	#	856,530	171,306	1,027,836	
8	4,997,157	946,585	946,585	-47,329	#	899,256	179,851	1,079,107	
9	5,965,212	968,056	968,056	-48,403	#	919,653	183,931	1,103,583	
10	6,931,234	966,022	966,022	-48,301	#	917,721	183,544	1,101,265	
11	7,871,719	940,484	940,484	-47,024	#	893,460	178,692	1,072,152	
12	8,763,161	891,442	891,442	-44,572	#	846,870	169,374	1,016,244	
13	9,582,058	818,896	818,896	-40,945	#	777,952	155,590	933,542	
14	10,304,904	722,846	722,846	-36,142	#	686,704	137,341	824,045	
15	10,908,196	603,292	603,292	-30,165	#	573,127	114,625	687,753	

		£	-			
£	200.00	£	2,200.00	Not Unreasonable	£	-
£	55.00	£	33,275.00	Rate High; suggest £55/m	-£	18,150.00
£	125.00	£	5,250.00	Not Unreasonable	£	-
		£	32,291.12		£	1,543.10
					£	-
£	48.26	£	1,737.36	Not Unreasonable	-£	19.30
£	246.22	£	18,466.50	Not Unreasonable	£	-
£	66.91	£	2,408.76	Not Unreasonable	-£	26.76
£	85.00	£	3,910.00	Rate Low; Suggest circa £85/m2	£	828.74
£	-	£	-	Measured Below	-£	1,239.57
£	9.50	£	123.50	Not Unreasonable	£	-
£	7.50	£	45.00	Not Unreasonable	£	-
£	2,250.00	£	2,250.00	Rate Low; Suggest £2,250/nr	£	1,000.00
£	3,000.00	£		Rate Low; Suggest £3,000/nr	£	1,000.00
£	350.00	£		Not Unreasonable	£	-
		£	-		£	-
		£	-		£	-
		f	_		£	_

				-				-
TOTALS		£11,765,705	£11,765,705	£0		£11,765,705	£2,325,422	£14,091,126
12 Month	s Defects relea	se of retention		294,143	*	294,143		352,971
17	11,662,101	293,671	293,671	-14,684	#	278,987	48,823	327,810
16	11,368,430	460,234	460,234	-23,012	#	437,222	76,514	513,736

<sup>5.0%</sup> # Retention at

# Detailed Cost Plan 1056854/CAR/les Royston Road (Site 13), Baldock





<sup>~</sup> Retention at 2.5% (following partial release at Practical Completion)

<sup>\*</sup> Final release of retention

# NORTH HERTFORDSHIRE DISTRICT COUNCIL

21/01882/FP Land East Rhee Spring and Orwell View, Royston Road, Baldock, Hertfordshire



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Location: Friends Green Farm

Friends Green Damask Green Road

Weston Hitchin Hertfordshire SG4 7BU

Applicant: Friends Green Porsche

Proposal: Use of buildings as (Sui Generis) car sales and (Use

Class B2 general industrial) car servicing (as amended

by details submitted 16th January 2024).

Ref. No: 23/01259/FP

Officer: Alex Howard

Date of expiry of statutory period: 23rd November 2023

Extension of statutory period: 1st April 2024

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

<u>Reason for Referral to Committee</u>: The application has been called-in by Cllr Steve Jarvis following an objection from the Parish Council.

#### 1.0 **Site History**

1.1 **20/01832/FP** - Change of building usage from livery yard to car showroom and single storey 3-bedroom dwelling.

#### Refused

1.2 **18/02911/S73** - Increase in height of garage/workshop/feed store building to provide tack room at first floor level (as variation of Condition 2 of application number 17/04137/S73 granted on appeal reference APP/X/1925/W/18/3198084 dated 28/09/2018).

#### **Refused - Appeal Dismissed**

1.3 **17/04137/S73** - Section 73 application: Erection of stable block for 12 stables; garage workshop and feed store/tack rooms following demolition of existing stables (Removal Condition 6 of Planning application 15/02582/1 granted 28/04/2016).

#### Refused - Appeal Allowed

1.4 **15/02582/1** - Erection of stable block for 12 stables; garage workshop and feed store/tack rooms following demolition of existing stables.

#### **Granted**

#### 2.0 **Policies**

#### 2.1 North Hertfordshire District Local Plan (The Local Plan) 2011 - 2031

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP5: Countryside and Green Belt 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 D1: Sustainable Design

Policy D3: Protecting Living Conditions
Policy NE7: Reducing Flood Risk
Policy HE1: Designated Heritage Assets

#### 2.2 National Planning Policy Framework (NPPF) (December 2023)

Section 2: Achieving sustainable development

Section 4: Decision making

Section 9: Promoting sustainable transport Section 11: Making effective use of land

Section 12: Achieving well-designed places and beautiful places

Section 13: Protecting Green Belt land

Section 16: Conserving and enhancing the historic environment

# 3.0 Representations

- 3.1 Site Notice and Neighbour Consultation None received.
- 3.2 **Hertfordshire Highways** Initially objected to the application for various reasons. However, following amendments to the scheme and the submission of further information, the Highway Authority have raised no objection subject to conditions.
- 3.3 **Weston Parish Council** "Weston Parish Council strongly objects to the change of use application on the grounds that the development of an automotive business is inappropriate in the Green Belt.

This is the same basis on which we objected to a similar proposal in September 2020 (20/01832/FP) when the application was rejected, and we do not believe that there are any changes in circumstances since then that would cause us to modify our decision.

Moreover, as the applicants point out in paragraph 1.3.2, the development of an automotive business has enabled the buildings to be constructed to a higher standard than would have been the case for the approved livery business. It is therefore clear that it was never the intention of the owners to use the site for the approved purpose and, even after losing their change of use application in 2020, they continued to run the business unlawfully. Their suggestion that Very Special Circumstances exist is therefore based on the longevity of a knowingly illegitimate business. Under such circumstances, the granting of planning permission would make a mockery of the planning legislation and set a very dangerous precedent.

Their suggestion that the 'fallback' position would result in a less desirable outcome is also without merit, as the fallback outcome in this instance would either be for the site to be used for the approved purpose or not used at all".

3.4 **Environmental Health (Air Quality)** – "From the plans and documentation provided, there is no clear indication of parking provision, and thus difficult to interpret whether there should be any recommendations for EV charging.

In absence of any further details there are no adverse EH comments, unless you have knowledge to the contrary on parking spaces."

- 3.5 **Environmental Health (Land Contamination)** "I have no objection to this application, with respect to contamination on land. The application comprises a proposal for conversion of a stables to a car sales and maintenance garage. We are not aware of any potentially contaminative land use, past or present, at the site. Given this, it is considered unlikely that significant contamination that could potentially be mobilised by construction of the proposed development is present. Therefore, no investigation is required relating to potential contamination on land, and we have no requirements for the imposition of planning conditions, in the event that permission may be granted".
- 3.6 **Environmental Health (Noise/Nuisances)** "This is a retrospective application. No complaints have been received by Environmental Health

There are no nearby residents.

I therefore have no objections to the above planning application."

3.7 **Conservation Officer** – Objects to the proposed development, concluding as follows:

"The acceptability of the use of the site is a decision for the case officer to make, however, in my considered opinion, the use is not one that I would readily associate with a rural location adjacent to a former farmstead where there are 3 separately grade II listed buildings and that by reason of the amount of cars parked on site and the activity associated with the proposed (but currently unauthorised) use, that this has an erosive impact upon the character of the area but I must stress that there are no heritage-based policies on which to mount a case for **OBJECTION**".

#### 4.0 Planning Considerations

### 4.1 Site and Surroundings

- 4.1.1 The application site lies on the east side of Damask Green Lane, Weston. The site is to the south of Friends Green Farmhouse, a grade II listed building, and two grade II listed barns forming part of the former farmyard complex. The site is designated as within the Green Belt in the Local Plan.
- 4.1.2 The site contains two single storey buildings, comprising a taller single storey 'barn' type building which lies towards the east of the site, away from Damask Green Road, and a shorter building with a 'U' footprint which lies to the west of the 'barn' type building. The buildings host shallow lean-to roofs and were built as a result of planning applications 15/02582/1and 17/04137/S73. A hard-surfaced parking area is located to the north of the buildings. The site has two accesses onto the highway at the point of determination, one to the north of the site and one to the south. The southern access has not been built in accordance with relevant highway pulped 277 hrough a formal planning application.

#### 4.2 **Proposal**

4.2.1 The application seeks planning permission for the 'retrospective change of use of stables to car sales and servicing', as lifted from the application form. The Councils description of development for this application was validated as 'Retention of change of use of (equestrian) livery stables to (Sui Generis) car sales and (Use Class B2 general industrial) car servicing'. However, following due consideration of these descriptions, the Council cannot accept them as the usage of the buildings as an equestrian livery yard has never been satisfactorily evidenced. Therefore, the description of the proposed development has been altered to "Use of the buildings as (Sui Generis) car sales and (Use Class B2 general industrial) car servicing". This has been agreed by the applicant.

#### 4.3 **Key Issues**

#### **Preliminary Matters**

4.3.1 Two buildings were approved on this site under applications referenced 15/02582/1 and subsequently 17/04137/S73. Looking at the Officer report for the latter application, the buildings were described as follows in terms of scale and appearance:

"Erection of one building to provide 12 stables. The proposed building will be U shaped and is proposed to have an eaves height of 2.7m, and a ridge height of 3.8m. Its elevation along Damask Green Road is proposed to measure 23.5m in length whilst the building will extend by a depth of 15.6m.

Erection of one building to provide agricultural storage and storage relating to the stables. The building is proposed to measure 9.4m in width, 23.9m in length, 3m to eaves height and 4.6m to ridge height.

Both new buildings are proposed to have shiplap cladding for the external walls with slate tiles proposed for the roof".

- 4.3.2 Following a site visit, there are two buildings that exist at the site, and it is not known whether they have been built in full or partial compliance with the approved drawings. However, it is the Council's understanding that the two buildings were built taller than they were permitted under the two previous applications. The elevation drawings submitted with this application indicate that the U-shaped building has an eaves height of 2.3m and a ridge height of 4.2m, and the storage building has an eaves height of 3.3m and a ridge height of 5.1m. The floor plans do not identify any discrepancies with respect to the footprint, width, and depth of the two buildings. Moreover, regarding the other conditions, it is noted that details reserved by condition 3 (materials) and 4 (landscaping) have been submitted and approved in respect to permission referenced 15/02582/1. These details are transferable to permission referenced 17/04137/S73 and it would appear as though the buildings have been erected using the approved materials. Overall, this would support the Council's understanding that the two buildings were built taller than the approved drawings, with the U-shaped building approx. 0.4m taller and the storage building approx. 0.5m taller. The Council takes these documents submitted at face value and as a reflection of the on-site condition of these buildings. The Council's Enforcement Team have considered the increased height of the buildings and concluded that it was not expedient to take enforcement action against the buildings alone.
- 4.3.3 Furthermore, in a similar way to the previous case officer who dealt with application ref: 20/01832/FP, it is material to assess the weight to be afforded to any fall-back position of the previous consents under applications referenced 15/02582/1 and subsequently 17/04137/S73. The permission granted the "Erection of stable block for 12 stables; garage workshop and feed store/tack rooms following demolition of existing stables".

I have no evidence that the operative part of the permission, being the use associated with the description of the description

"consideration must first be given to the lawful fallback position on the site, as the site has an approved consent under reference 17/04137/S73. This consent has been implemented, although the formal Use was never fulfilled". The applicant proceeded to use the two buildings for car sales/servicing in 2020 without planning permission, which was subsequently followed by an investigation from the Council's Enforcement Team who invited an application to regularise the use. This was application ref: 20/01832/FP, which was refused by the Council and the applicant did not appeal this decision. The Council's Enforcement Team met with the applicant in February 2023 where it was deemed appropriate to allow the applicant to submit another application to regularise the current unlawful use with professional help, unlike the previous application. This current application is the product of that advice.

4.3.4 Whilst the buildings may be immune from enforcement action currently due to the passage of time, the current use is not, and the applicant is seeking planning permission to regularise this use.

#### **Planning Considerations**

4.3.5	The	key	issues	for	consid	deration	are	the
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The Principle of Development in the Green Belt
The Impact on Designated Heritage Assets
Design and Layout
Living Conditions
Highways, Access, and Parking

#### Principle of Development in the Green Belt

- 4.3.6 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The National Planning Policy Framework (NPPF) is a material consideration attracting significant weight.
- 4.3.7 The site is within the Green Belt. Policy SP5 of the Local Plan states that the LPA will only permit development proposals in the Green Belt where they would not result in inappropriate development, or where very special circumstances have been demonstrated. Section 13 of the National Planning Policy Framework (NPPF) stipulates that great importance should be attached to the Green Belt and that the main aim of Green Belt policy is to keep land permanently open. Paragraph 154 and 155 of the NPPF offer several exceptions to inappropriate development.
- 4.3.8 It is considered that the proposed use of the buildings does not comply with any of the exceptions to inappropriate development set out in paragraph 154 and 155 of the NPPF. The Council considered the possibility of this development being compliant with paragraph 155 d) the re-use of buildings provided that the buildings are of permanent and substantial construction. However, this exception is not engaged because the equestrian/livery use to which these buildings were permitted was never implemented and so the use for which planning permission is sought cannot be considered to be a re-use of buildings.

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.3.10 It is necessary to consider the impact of the use on the five purposes of the Green Belt, and then consider what impact the proposed development would have upon each of those five purposes. It is acknowledged that the Council has not taken enforcement action against the buildings, which the Council understand have been built taller than approved in those historic applications. As things stand, it is considered that the two buildings approved under applications referenced 15/02582/1 and subsequently 17/04137/S73 have been erected on site and are currently immune from enforcement action due to the passage of time.
- 4.3.11 It is considered that there would be no conflict with Green Belt purposes with a, b, c and d. However, it is considered that there would be some conflict with purpose e). The use of the buildings for car sales/servicing is a use appropriate to urban areas, rather than rural areas such as this Green Belt site. Therefore, the use would be more suitable in an urban area and providing a suitable site could be located for this business, it would encourage urban regeneration and the recycling of derelict/urban land, instead of using rural areas that are designated as within the Green Belt. Therefore, it is considered that there would be some conflict with this Green Belt purpose.
- 4.3.12 Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. It is well established in case law that openness is split into two dimensions, the spatial and visual.
- 4.3.13 In terms of spatial openness, the buildings have been erected on site and are immune from enforcement action currently through the passage of time. The proposed use of the buildings for car sales/servicing does not have any material impact on spatial openness, as this is more about built form and massing in my opinion.
- 4.3.14 In terms of visual openness, the buildings on site whilst visible from Damask Green Road have been built to a high quality and appear rural in character and appearance, which is a positive from a visual openness perspective in the Green Belt. The only matter for consideration in this respect is the type and intensification of use from the proposed car sales/servicing use compared to the lawful fall-back position, which is the equestrian/livery use. The applicant has set out in the planning statement that the proposed use of the site would be less intense and result in significantly less activity compared to the lawful fallback position, primarily because the incredibly niche use for the sale and servicing of a select model of Porsches, which are of elevated value, would generate less trips and have more considerate hours of operation compared to the lawful equestrian/livery use which could support 12 horses and their owners with minimal limitations on occupancy numbers and operating hours.

This will be considered in greater detail later on in this report but for the purposes of visual openness, it is considered that the use of the site for the sale and servicing of a niche market of cars, could be less intensive in terms of trip generation and have less associated paraphernalia than the lawful equestrian/livery use, which would in turn have a lesser impact on visual openness 280

- 4.3.15 As such, it is considered that the development does not comply with any of the exceptions to inappropriate development in the Green Belt set out in paragraphs 154 and 155 of the NPPF. Furthermore, there is limited conflict with the five purposes of the Green Belt; the use of the buildings for car sales/servicing conflicts with purpose e). Lastly, in terms of openness, it is acknowledged that the use of the site does not result in harm to spatial openness, as the buildings already exist on site. Further, the use of the site for the car sales/servicing of a niche market of cars would be less intensive and have less associated trips compared to the lawful fallback position for an equestrian/livery, resulting in a lesser impact on visual openness. The Council hereby acknowledge that the development is inappropriate development in the Green Belt and conflicts with purpose e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.3.16 Paragraph 152 of the NPPF sets out that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". Paragraph 153 of the NPPF goes on to state that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations". The Council will now consider whether Very Special Circumstances have been demonstrated which clearly outweigh the harm to the Green Belt by inappropriateness, and any other harm.
- 4.3.17 The agents have submitted several arguments which in their view, support the case for Very Special Circumstances. Firstly, which has been somewhat considered already regarding visual openness, is the intensification of use. The Planning Statement describes the business model as follows:

"Friends Green Porsche is a high-end car servicing and sales company, that specialises only in Porsches, especially the niche market of the 996 and 997 generation of Porsche 911 cars. The site currently operates as 50/50 split of car sales and servicing. For the sales, it would be by appointment only, and for the servicing it would often be more of projects and refreshes, meaning that cars are left at the site for an average of 2 weeks at a time".

4.3.18 The agents state that in terms of movements to and from the site and the associated activity, the equestrian/livery use to which these buildings were permitted would have significantly greater movements/activity compared to the use of the buildings for the sale/servicing of a niche market of cars. The permitted buildings comprised a Stable Block with 12 individual pens, which could see a minimum of 12 individual owners of horses kept on site. The applications referenced 15/02582/1 and subsequently 17/04137/S73 did not enforce conditions to limit occupant numbers or hours of operation. The argument is also that it is more than theoretical that each of the 12 horses kept at the site could have multiple owners or carers. It would not be unexpected for each stable pen to have someone potentially visit twice per day, often for extended periods if the horse is ridden from the site. In addition, staff will be present throughout the operational day for maintenance purposes, as well as the possibility to do nightly security checks.

Additional regular visitors will include feed deliveries, waste collection, vet visits, paddock maintenance and other less frequent visitors involved in the running of a stable. Furthermore, the hours of operation for the equestrian use, which doesn't have a condition to limit it, could likely be in operation from as early as 05:00 until as late as 22:00 and be operated on weekends and bank holidays.

4.3.19 Compare this intensification of use projectives to the car sales/servicing of Porsches use, as the values of these products are elevated, the number of customers visiting the

site on a daily basis is limited, equating to approx. 2 per day. Customers would also leave their cars at the site for extended periods during their service at an average time of 2 weeks, as opposed to a drop off and pick up on the same day scenario. In terms of other regular movements, the site has 4 full time members of staff, as well as on average 1 delivery per day. This therefore means the site would have circa 6 vehicle movements a day. The hours of operation associated with this use would be more commercially traditional, such as 8:00 until 17:30 for example, and this would not operate on weekends and bank holidays.

- 4.3.20 In line with the above comparisons, it would be reasonable to conclude that the use of the site for car sales/servicing specialising in a niche market of Porsches would generate less trips, movement, and activity within more reasonable hours of operation, compared to the lawful fallback position of the equestrian/livery use. In this respect, the use of the site for the niche sale/serving of Porsches would have a reduced impact on visual openness which can be considered a benefit to the Green Belt generally.
- 4.3.21 Secondly, it is also important to acknowledge the two buildings that have been erected on site. These buildings were approved under the applications referenced 15/02582/1 and subsequently 17/04137/S73 for the proposed equestrian/livery use. As already discussed, the buildings are taller than the approved drawings, with the U-shaped building approx. 0.4m taller and the storage building approx. 0.5m taller. The Council's Enforcement Team investigated this and considered that it was not expedient to take enforcement action against the buildings in isolation. Therefore, the two buildings at this site, which have been built to a high quality with suitable materials and appear rural in character and appearance, are capable of being used. There are no existing enforcement investigations against the buildings alone and seeing as historic investigations have deemed it not expedient to enforce against, one has to reasonably consider the prospect of these buildings remaining in situ.
- 4.3.22 Thirdly, under the applications referenced 15/02582/1 and subsequently 17/04137/S73 for the original consents, the floor plans showed a garage/workshop on the approved plans within the storage building. This was a large garage/workshop area of approx. 100sqm, and it is considered that the use of this building for car servicing would align with that permitted in those historic applications.
- 4.3.23 Fourthly, the agents have argued that for high-end car garages such as that proposed herein, it is not uncommon for such uses to operate in rural areas. The supporting Planning Statement makes the point that at Fairclough Hall Farm, Weston, which is approx. 1.75km away, Weston Datum motorsport operate a garage specialising in Lotus cars. Whist this business operates in part of a wider site with various other businesses, the site is also within the Green Belt. The Council acknowledge that this similar site has been operating for some time and further acknowledge some similarities between the likely day to day operations and intensification of use compared to the proposed use of the application site, which weighs in favour of this proposal in my view.
- 4.3.24 Lastly, in terms of the potential enforcement of conditions should planning permission be granted, the Council would look to control several matters. In my opinion, it would be reasonable for the Council to control the hours of operation to 8:00 until 17:30 Monday to Friday, 8:00 to 13:00 Saturday, and not at all Sundays and Bank/Public Holidays, restrict the use of the site to car sales and servicing (Use Class B2) and for no other purpose, and to limit the outside storage or materials and display of vehicles for sale. Officers have considered the possibility of enforcing a Personal Condition which would limit the use of the site to the appropriate pereby limit anyone else from operating this use at this site, but this was deemed unreasonable as the application was submitted

under a company name, not the applicants name. In response it would be reasonable to enforce a temporary condition for 2 years to allow an assessment of the harm arising from this use. The Council have not received any complaints about the use of this site through the Environmental Health Team, so the material harm of this use can be considered over this time period and the applicant will have to re-apply to continue the use.

4.3.25 Whilst it is considered that there are material considerations that support the development it is necessary to consider whether there are any other harms to conclude whether there are very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.

#### Impact on Designated Heritage Assets

- 4.3.26 Policy SP13 of the Local Plan states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting". This reflects paragraph 205 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Policy HE1 of the Local Plan states that "Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use". This is reinforced by paragraph 208 of the NPPF.
- 4.3.27 The site has three listed buildings, Friends Green Farmhouse, Farm Buildings at Friends Green Farm, and East Barn and Attached Outbuildings, all of which are Grade II listed. Therefore, consideration is given to the impact of the proposal upon these heritage assets. Section 66 (1) of the Planning (Listed Buildings and Conservation Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building, or its setting, special regard shall be had to the desirability of preserving the building or its setting.
- 4.3.28 The Council's Conservation Officer was formally consulted on this application, raising an objection on the basis that "the use is not one that I would readily associate with a rural location adjacent to a former farmstead where there are 3 separately grade II listed buildings and that by reason of the amount of cars parked on site and the activity associated with the proposed (but currently unauthorised) use, that this has an erosive impact upon the character of the area but I must stress that there are no heritage-based policies on which to mount a case for **OBJECTION**". Therefore, I consider that the fundamental issue in heritage terms is the use of these buildings and whilst the Conservation Officer has raised some concern in respect of the proposed use in this rural location, the cars parked on site and the associated activity with this use, there are not maintainable reasons to object to this use in heritage terms which would be supported by relevant heritage policies.
- 4.3.29 Therefore, the proposed use of the site would not result in any harm to the setting or significance of the three Grade II listed buildings. Therefore, there would be no conflict with Policy HE1 of the Local Plan and Section 16 of the NPPF and the of the listed building and there setting would be preserved. There would be no impact upon their special architectural or historic interest.

#### Design and Layout

4.3.30 Policy D1 of the Local Plan states the planning rmission will be granted provided that development responds positively to the site's local context in addition to other criteria.

Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.

4.3.31 As already stated, the design of the existing buildings are not for consideration in this application.

#### **Living Conditions**

- 4.3.32 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
- 4.3.33 The use of the site for car sales/servicing has different impacts compared to the equestrian/livery use to which the buildings were permitted. The associated tools and systems in place to service cars has the potential to make noise that could harm the amenities of neighbouring properties, through general disturbance. However, the Council understands that the applicant has been operating this use at the site since January 2020 and through consultation with the Environmental Health Team, no complaints have been received. The closest neighbour, Anchor House, is due south and is approx. 70m-80m from the site, which is a significant distance. In my view, as no formal complaints or objections have been received from the immediate neighbours, it is considered that the use of the site, subject to the conditions outlined in section 4.3.24, does not result in material harm to the reasonable living conditions and well-being of neighbours, with respect to general disturbance. Whilst the temporary consent also effectively enables control over the user of the buildings, given that personal restriction is not applicable as the applicant is a company, which can be bought and sold, the temporary permission also retains control in the event the use intensifies and generates more noise and activity.
- 4.3.34 Therefore subject to the recommended conditions it is considered that the development does not conflict with Policy D3 of the Local Plan.

#### Highways, Access, and Parking

4.3.35 The Hertfordshire Highway Authority (HA) formally responded to this application on the 4<sup>th</sup> July 2023, objecting on the basis that the proposal would be unsustainable and would see customers and employees be solely reliance on privet vehicles for travel, given the rural location. The HA also considered that insufficient information had been submitted to enable adequate assessment of car parking provision and visibility splays. Finally, the HA considered that there was no substantiated evidence to support the claim that the proposed use would result in a sizable reduction in traffic movements and parking requirements compared to the lawful fall-back position for the equestrian/livery use. The agent submitted a formal Transport Statement on the 14<sup>th</sup> November 2023 in an effort to overcome the objections.

This included TRICS data comparing the likely trips associated with both the lawful and proposed uses, commentary on the niche business model associated with the proposed use, visibility splays for the existing un-lawful southern access and consideration of a personal condition. The Highway Authority were re-consulted on this and provided formal comments on the 6th December 2023, where they acknowledged that the TRICS data shows that the proposed use would generate less trips than the lawful fall-back position use, given its niche nature. The HA considered that a personal condition would be acceptable in their opinion. However, the HA stated concerns with the visibility splays associated with the existing un-lawful southern access and invited the applicant to consider re-locating the access to the site. In response, the agents submitted a revised transport statement on the 16 page 224 which, through consultation with the Highway Authority, they are proposing to close the existing un-lawful southern access

through measures such as boundary fencing/landscaping and instead utilise the existing northern access which formed part of the original planning applications for these buildings and has been operated at this site for many years. Following re-consultation with the HA, a formal response was received on the 12<sup>th</sup> February 2024, stating no objection subject to two conditions.

- 4.3.36 It is therefore considered that through the closing up of the existing un-lawful southern access onto Damask Green Road and utilising the existing northern access instead, the access requirements are acceptable in highway terms in respect of vehicle safety, as the northern access can deliver forward visibility splays of 2.4m x 63m to the north and 2.4m x 135m to the south nearside kerb over land owned by the applicant and public highway by trimming of hedges that fall within the visibility envelope of the access, which the HA have considered acceptable. In my opinion, it is reasonable to enforce a condition that should planning permission be granted, within 3 months of decision a plan showing how the existing southern access will be closed up and landscaped will be submitted to and approved in writing by the LPA and the access will be closed in accordance with the agreed details. Moreover, the HA have requested the imposition of a personalised condition that restricts the use of the site to the applicant, to ensure that only this niche use can be operated from the site. However, the Council have considered this and have since concluded that we are unable to reasonably enforce this condition, as the application was submitted under a company name, not the applicants name. In response, the Council considers that it can enforce several conditions that restrict and control the proposed use which are considered reasonable and justified in line with the principle of the condition recommended by the HA, such as the temporary condition for 2 years, controlling hours of operation, restricting the use of the site and the storage of materials/vehicles.
- 4.3.37 In terms of parking, the two buildings measure approx. 207 sqm and 195 sqm in ground floor area. This totals 402 sqm and in accordance with the Vehicle Parking at New Developments SPD, for B2 uses there is a requirement for a maximum of 1 space per 50 m2 ground floor area, which totals 8 parking spaces for staff and visitors. The site benefits from an existing parking area which has been used historically at the north of the site, which could reasonably support more than 8 parking spaces, whilst there are several other areas behind buildings and within the courtyard that could hold a higher number of vehicles. However, given the nature of the proposed use, it can be reasonably expected that alongside the 2 full-time staff members who would travel to the site for work and park in this area, the site would be used for the storage of Porsche vehicles. Following a site visit made in July 2023, I was able to identify an area behind the main workshop building where several cars were parked, as well as within the 'U' shaped building. The site did not appear overly congested in terms of vehicles parked on site.

Therefore, in respect of the requirements for the Vehicle Parking at New Developments SPD and the material considerations that relate to the proposed niche use of this site and associated staffing, it is considered that the proposed development would be acceptable in parking terms.

4.3.38 Overall, through the submission of technical details and amended plans and through consultation with the Highway Authority, it is considered that the use is acceptable in terms of access and parking. This is in accordance with Policy T2 of the Local Plan.

#### Other Matters

4.3.39 A number of interested parties, including the Parish Council and the Conservation Officer, remain unconvinced that playing to Jifetime of the original applications referenced 15/02582/1 and subsequently 17/04137/S73, there was a viable business

case for the 12-stable operation and associated equestrian/livery use. The implication herein is that these applications have been used as a ruse to obtain planning permission for a built form that was never intended for its originally permitted purpose. In my view, whilst the situation around this site and these buildings is questionable, in these unique circumstances it is appropriate and reasonable in planning terms to consider approving this use subject to strict conditions.

#### 4.4 Conclusion

4.4.1 Overall, it is considered that the development, which seeks to continue to operate a very niche use on a site with existing buildings has positive material considerations that weigh in favour of the proposed use. I have not identified any other harm in respect of heritage, layout and design and neighbour amenity. Furthermore, via extensive consultation with the Highway Authority, the revised access and parking arrangements are considered acceptable.

As such, whilst I acknowledge the conflict with paragraphs 154/155 of the NPPF and purpose e) set out under paragraph 143, it is considered that the relevant material considerations put forward to support this development constitute Very Special Circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The application is therefore recommended for approval, subject to conditions.

# 4.5 **Alternative Options**

4.5.1 N/A

#### 4.6 Conditions

4.6.1 The applicant has formally agreed to the conditions relating to the temporary period of 2 years for the use and the closing up of the existing southern access following the submission of a plan identifying landscaping measures to be agreed in writing by the LPA.

# 4.7 Climate Change Mitigation Measures

4.7.1 N/A

# 5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED** subject to the following conditions:
- 1. The use of the site for (Sui Generis) car sales and (Use Class B2 general industrial) car servicing shall be discontinued on or before 2 years from the date that planning permission is granted.

Reason: Permission has been granted for a temporary period solely to monitor the use and the appropriateness of the development in regard to amenity and impact upon the Green Belt in accordance with Policies D3 and SP5 of the North Hertfordshire Local Plan 2011-2031.

2. Within 3 months of the date the alganing permission is granted, a plan showing how the existing southern access will be closed and landscaped will be submitted to the

Local Planning Authority for approval. The southern access shall be closed and landscaped in accordance with the agreed details within 3 months of written approval.

Reason: The southern access is considered unsafe by the Highway Authority and therefore require its closing, in accordance with T1 of the North Hertfordshire Local Plan 2011-2031.

3. The use hereby permitted shall not be open to customers, no machinery shall be operated and there shall not be any deliveries outside the hours of 8:00 until 17:30 Monday to Friday, 8:00 to 13:00 Saturday, nor at any time on Sundays and Bank/Public Holidays.

Reason: In the interests of amenity in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

4. The premises hereby permitted shall only operate for car sales and servicing (Use Class B2/Sui Generis) and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To control the use of the site in accordance with Policy SP5 of the North Hertfordshire Local Plan 2011-2031.

5. No materials/vehicles associated with the car sales/servicing use shall be stored in the area due south of the existing buildings as shown on plan ref: FGP1- 1.

Reason: To protect the visual openness of the Green Belt in accordance with Policy SP5 of the North Hertfordshire Local Plan 2011-2031.

6. No adverts/signage associated with the proposed use of the site shall be erected.

Reason: To maintain the rural character of the area, in accordance with Policy D1 of the North Hertfordshire Local Plan 2011-2031.

7. Within 3 months of the development hereby approved, all access and junction work shown on the approved plans with sight lines of 2.4m x 63m to the north and 2.4m x 135m to the south measured to the nearside kerb over land owned by the applicant and public highway shall be provided to the access road serving the development and shall be completed, unless otherwise agreed in writing by the Local Planning Authority. The sight lines shall be permanently maintained in both directions.

There shall be no obstruction to visibility between 0.6m and 2.0m above carriageway level by trimming of hedges that fall within the visibility envelope of the access.

Reason: To ensure the site benefits from safe access with acceptable visibility, in accordance with T1 of the North Hertfordshire Local Plan 2011-2031.

#### **Proactive Statement:**

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



## NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/01259/FP Friends Green Farm, Friends Green, Damask Green Road, Weston, Hitchin, Hertfordshire, SG4 7BU



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### PLANNING CONTROL COMMITTEE

## PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
K D Duke & Partners	05 March 2024	Erection of three 2-bed, three 3-bed, and one 4-bed dwellings and associated parking and formation of vehicular access onto the highway.	Nicholls Yard Crow Lane Reed Hertfordshire SG8 8BJ	22/02225/FP	Written Representations
Mr J Sapsed	05 March 2024	Erection of agricultural storage building and hardstanding.	Land At Mill End Sandon Hertfordshire SG9 0RN	23/01404/AG	Written Representations

**DATE: 21 March 2024** 

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### PLANNING CONTROL COMMITTEE

## **DATE: 21 March 2024**

### **PLANNING APPEALS DECISION**

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr R Du Toit And Mr And Mrs G Bullard	Erection of three detached dwellings (1 x 4-bed, 1 x 5-bed and 1 x 6-bed) with associated infrastructure and landscaping.	Land West Of Tuthill House Kelshall Tops Therfield Hertfordshire	21/03533/FP	Appeal Dismissed on 22 February 2024	Committee	Please Note: The associated Costs Applications were refused.  The Inspector stated that the Framework requires a high standard of design, and the current proposal falls short of this high bar. This would detract from the character and appearance of the area, including the intrinsic character and beauty of the countryside. It is for this reason alone that planning permission should be refused. The Inspector had regard to the benefits identified by the appellant, including the provision of housing (where there is no evidence of a demonstrable five-year housing land supply, notwithstanding the relatively recent adoption of the NHLP), the removal of an unsightly depot, biodiversity net gain and various economic benefits. However, the Framework is clear, development that is not well designed should be refused.

Mr Kevin	Retention of stretch tent for	The Old	22/02644/FP	Appeal	Delegated	The Inspector found that the
Morgan	a temporary period of ten	George		Dismissed		development has had an
	years.	Arlesey Road		on		unacceptable effect on the amenity
		Ickleford		01 March		of neighbouring occupiers,
		Hertfordshire		2024		particularly in relation to noise. The
		SG5 3UX				Inspector found that the erected
						structure would be contrary to Policy
						D3 (Protecting living conditions) of
						the North Hertfordshire Local Plan
						2011-2031. Policy D3 does not
						permit development where the living
						conditions of an existing
						development would be affected by a
						proposed use.

## **Appeal Decision**

Site visit made on 7 February 2024

#### by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

**Decision date: 22 February 2024** 

### Appeal Ref: APP/X1925/W/23/3324095 Land West of Tuthill House, Kelshall Tops, Therfield, Hertfordshire

- 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 Quanta Homes 6 Ltd and Mr and Mrs G Bullard against the decision of North Hertfordshire District Council.
- The application Ref. 21/03533/FP, dated 23 December 2021, was refused by notice dated 10 February 2023.
- The development proposed is three detached dwellings (1 x 4-bed, 1 x 5-bed and 1 x 6-bed) with associated infrastructure and landscaping.

#### **Decision**

1. The appeal is dismissed.

#### **Application for costs**

2. Applications for costs were made by an interested party, Lynne Bogie, against North Hertfordshire District Council and the appellants, Quanta Homes 6 Ltd and Mr and Mrs Bullard. These applications are the subject of separate Decisions.

#### **Preliminary Matters**

- 3. As the application is close to a Grade II listed building, Tuthill Manor, I have had special regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also had particular regard to the adjacent Thurfield Conservation Area and nearby Scheduled Monument (Motte and bailey castle and associated earthworks 100m south of Tuthill Farm).
- 4. The Government recently published a revised National Planning Policy Framework (December 2023) (the Framework). I have had regard to this document in reaching my conclusions.
- 5. The appeal documents included a new drawing, Urban Grain Plan (311.00), which was not before the Council at the time of its decision. The drawing does not alter the proposals but provides contextual information. The Council had the opportunity to consider the plan during the appeal process and I am satisfied that no party would be prejudiced by accepting it at the appeal stage. As such, I have had regard to the drawing in reaching my decision.

#### **Main Issues**

6. The main issue is whether the site is a suitable location for the proposed development, having regard to local and national planning policies.

#### Reasons

- 7. The site is a former depot for the storage of vehicles and machinery on the edge of Therfield. It is currently unused but enclosed by tall security gates and the remnants of a tall fence, which is in a poor state of repair. Ground levels are elevated within the site and surfaced with concrete.
- 8. Policy SP2 of the North Hertfordshire Local Plan 2011-2031 (2022) (NHLP) sets out the plan's settlement hierarchy and spatial distribution. It seeks to focus the majority of development on the larger settlements, with more limited forms of development across the villages and rural areas. Therfield is defined as a Category A village, where general development will be allowed within defined settlement boundaries.
- 9. The appeal site is outside of the defined settlement boundary for the village, within the 'Rural Area beyond the Green Belt'. Policy SP5 of the NHLP imposes a general policy of restraint in such areas, whilst Policy CGB1 defines the limited circumstances where development will be supported.
- 10. The proposed development would not accord with the specified criteria and would be in conflict with policies SP2, SP5 and CGB1. In a plan-led system, harm clearly arises from such a conflict. However, there is both a legislative and policy requirement to consider other material considerations and perform a balancing exercise before deciding whether to grant planning permission.
- 11. In this case, there would be a range of harms and benefits arising from the development which were carefully balanced in the officer's report to the planning committee, resulting in a clear conclusion that the benefits would outweigh the harms and so planning permission should be granted i.e. material considerations indicate a decision other than in accordance with the development plan. The Council has not provided evidence of any alternative balancing exercise performed by it in refusing planning permission and so I have not sought to repeat all the considerations explored by the officer.
- 12. There is only one area where I disagree with the planning officer's recommendation and that is in relation to the effect on the character and appearance of the area, or more specifically the design of the scheme. Whilst redevelopment of the site would be a significant benefit, given its unsightly and discordant appearance at present, the proposed 'Manor House' (Plot 3) is simply too large. Two stories with additional rooms within the roof, coupled with the substantial width and depth of the proposed building would result in a building of excessive scale and mass. It would become overly prominent on the edge of the village, where it might be expected that development would be diminishing, transitioning between the settlement and the countryside beyond.
- 13. The site is eminently suitable for a residential development of three houses, which would make a contribution to housing supply in the district, consistent with the objective to boost housing supply contained in the Framework. The introduction of a residential use would also be far more appropriate than the extant use, which could continue at any time, albeit subject to conditions and obligations. The proposed design approach, to introduce buildings of an

- agricultural style would reflect the site's rural context, as would the use of timber weather boarding, but that does not overcome my concerns in relation to plot 3.
- 14. The Framework requires a high standard of design, and the current proposal falls short of this high bar. This would detract from the character and appearance of the area, including the intrinsic character and beauty of the countryside. It is for this reason alone that planning permission should be refused. I have had regard to the benefits identified by the appellant, including the provision of housing (where there is no evidence of a demonstrable five-year housing land supply, notwithstanding the relatively recent adoption of the NHLP), the removal of an unsightly depot, biodiversity net gain and various economic benefits. However, the Framework is clear, development that is not well designed should be refused. The benefits do not outweigh the harm that I have identified.
- 15. I have had regard to comments from interested parties supporting the appeal, but these do not alter the harm that I have identified. I have also considered representations opposing the development, but since I am dismissing the appeal on the principal controversial issues, it is not necessary to consider every other matter raised.
- 16. In light of the above, the appeal is dismissed.

Michael Boniface

**INSPECTOR** 



## **Costs Decisions**

Site visit made on 7 February 2024

#### by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

**Decision date: 22 February 2024** 

#### **APPLICATION A**

Costs application in relation to Appeal Ref: APP/X1925/W/23/3324095 Land West of Tuthill House, Kelshall Tops, Therfield, Hertfordshire

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Lynne Bogie for a full award of costs against North Hertfordshire District Council.
- The appeal was against the refusal of planning permission for three detached dwellings (1 x 4-bed, 1 x 5-bed and 1 x 6-bed) with associated infrastructure and landscaping.

#### **APPLICATION B**

Costs application in relation to Appeal Ref: APP/X1925/W/23/3324095 Land West of Tuthill House, Kelshall Tops, Therfield, Hertfordshire

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Lynne Bogie for a full award of costs against Quanta Homes
   6 Ltd and Mr and Mrs G Bullard.
- The appeal was against the refusal of planning permission for three detached dwellings (1 x 4-bed, 1 x 5-bed and 1 x 6-bed) with associated infrastructure and landscaping.

#### **Decisions**

1. Both applications for an award of costs are refused.

#### Reasons

- Parties in planning appeals and other planning proceedings normally meet their own expenses. However, the Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
- 3. An application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. In these cases, the applicant has not explained what expense has been incurred and so there is no basis for any award. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Michael Boniface

**INSPECTOR** 



## **Appeal Decision**

Site visit made on 10 January 2024

#### by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2024

# Appeal Ref: APP/X1925/W/23/3325934 The Old George, 41 Arlesey Road, Ickleford, Hitchin SG5 3UX

- 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 TOG (Ickleford) Limited against the decision of North Herts Council.
- The application Ref 22/02644/FP, dated 19 October 2022, was refused by notice dated 31 March 2023.
- The development proposed is the retention of the stretch tent within the curtilage of The Old George Public House for a temporary period of ten years.

#### **Decision**

1. The appeal is dismissed.

#### **Procedural Matter**

2. At the time of my site visit, the proposed development had been erected.

#### **Main Issues**

- 3. The main issues are:
  - The effect of the development on the character or appearance of the Ickleford Conservation Area (CA), the setting of the Grade II listed Old George Public House and the Grade I listed Church of St Katharine; and
  - the effect of the development on the amenity of neighbouring occupiers, particularly in relation to noise.

#### Reasons

Character or Appearance of the CA and the Setting of Listed Buildings

- 4. The Old George is located within the setting of the Church of St Katherine and within the Ickleford Conservation Area. I am therefore mindful of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 5. Originally a 16<sup>th</sup> century house, turned public house, the Old George is an open hall comprising a timber frame on a brick sill with render on the ground floor,

with exposed frames on the first floor with infill panels. The architecture of the Public House, its prominent location and central role within the CA contribute to its significance as a community hub, and to the significance of the CA as a landmark building in turn.

- 6. The Church of St Katharine is a 12<sup>th</sup> century parish church located to the North-East of the appeal site. Fronting the Church is a graveyard which benefits from the substantial leafy foliage of tall trees. Additionally, a low height red brick wall with a timber entrance gateway front onto Arlesey Road and the Public House carpark. A footpath runs along the boundary of the graveyard, with residential properties facing onto it. These aspects contribute to the setting of the listed building, as does its interrelationship with the Old George in forming the nucleus of the settlement.
- 7. The CA is in part defined by open or tree covered green spaces along Arlesey Road. These spaces contribute to creating a strong rural village character. Traditional buildings create a strong village street scene.
- 8. The tent occupies a location tucked to the rear of the public house, on a modern tarmac car park and set against the backdrop of modern housing. The site of the tent is therefore of negligible heritage value and makes a neutral contribution to the significance of the Church, the Pub and the CA. Although large, the tent reads as a low, innocuous, and lightweight structure which, owing also to its discreet location, defers submissively to the public house, the nearby church, and the wider street scene within CA. The overall effect on all three designated heritage assets is neutral.
- 9. As such, I find that the stretch tent has not caused harm to the character and appearance of the CA. I further find that the development does not lead to harm to the significance of the Grade II listed Public House or the Grade I listed Church of St Katharine.
- 10. Accordingly, I conclude on this issue that the development has had an acceptable effect on the character or appearance of the Ickleford Conservation Area (CA), the setting of the Grade II listed Old George Public House and the Grade I listed Church of St Katharine. It accords with Policy HE1 of the North Hertfordshire Local Plan 2011 2031 (LP). This policy seeks to preserve the significance of heritage assets, incorporate a palette of materials that make a positive contribution to local character. The development accords with the provisions of the National Planning Policy Framework (the Framework).

#### Noise

- 11. The tent is located adjacent to the rear boundary of the Public House carpark. Located adjacent to this boundary are the neighbouring dwellings of 27 Boswell Drive and 7 and 8 Green Man Close. The rear private amenity space, and the openings to the rear elevations of these properties are in close proximity to this boundary and therefore the stretch tent.
- 12. The development offers users a fully covered and substantial shelter. During my visit, I noted apparatus such as heat lamps which increase its offer in wet or cold weather. It is not unreasonable to presume that it would be occupied to a greater extent than the beer garden located adjacent to it, especially in adverse conditions. The canvas material is likely to have a negligible effect on reducing any sound of its users. Due to the proximity of the structure to

neighbouring dwellings, its material type and the number of users who could occupy this significant space, I conclude that the stretch tent would be a generator of intrusive noise. No mitigation strategy to potentially alleviate the effects of noise has been provided.

- 13. The appellant suggests that the outside use of the public house has taken place over many years before the existence of the dwellings which are near it. Whilst this is the case, it is not unreasonable to presume that the outside activity residents would have typically experienced would be limited to warm and dry weather days, as it is unlikely that users would remain outside in cold or wet weather prior to the introduction of the tent.
- 14. The Councils Environmental Health Officer do not object to the tent. The appellant also provides a commentary on their management of complaints during the course the structures history. However, due to the proximity of the stretch tent to the boundary of neighbouring properties, its lack of capacity to reduce sound and with no satisfactory mitigation strategy, I find that the proposal would create noise which would be apparent and is capable of causing a significant loss to the amenity to the occupants of neighbouring properties, particularly 27 Boswell Drive 7 and 8 Green Man Close. Whilst a condition could preclude the use of the tent during more antisocial hours, this would not resolve issues that are likely to arise outside of these times.
- 15. Accordingly, I find that the development has had an unacceptable effect on the amenity of neighbouring occupiers, particularly in relation to noise. I find that the erected structure would be contrary to Policy D3 of the LP. Policy D3 does not permit development where the living conditions of an existing development would be affected by a proposed use.

#### Conclusion

- 16. The proposal conflicts with the development plan when read as a whole and the other considerations before me do not indicate that I should make a decision other than in accordance with the development plan.
- 17. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Smith

**INSPECTOR** 

