

13 September 2024

Our Ref Planning Control Committee 26
September 2024
Contact. Committee Services
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To: Members of the Committee: Councillors Elizabeth Dennis (Chair), Nigel Mason (Vice-Chair), Amy Allen, Sadie Billing, Ruth Brown, Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Michael Muir, Louise Peace and Tom Tyson

Substitutes: Councillors Val Bryant, Jon Clayden, Mick Debenham, Joe Graziano, Keith Hoskins, Steve Jarvis, Sean Nolan and Martin Prescott

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY, SG6 3JF**

On

THURSDAY, 26TH SEPTEMBER, 2024 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

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

Agenda
Part I

Item		Page
1.	APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
3.	CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
4.	PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
5.	23/02946/OP 66 PARK LANE, KNEBWORTH, HERTFORDSHIRE, SG3 6PW REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Outline planning application for the erection of up to 9 dwellings (all matters reserved except means of access).	(Pages 3 - 18)
6.	21/00541/OP LAND BETWEEN 134 AND 148 HIGH STREET, KIMPTON, HERTFORDSHIRE, SG4 8QP REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Residential development comprising of 15 dwellings (all matters reserved except means of access).	(Pages 19 - 52)

<u>Location:</u>	66 Park Lane Knebworth Hertfordshire SG3 6PW
<u>Applicant:</u>	Burleigh Dell Developments Ltd
<u>Proposal:</u>	Outline planning application for the erection of up to 9 dwellings (all matters reserved except means of access).
<u>Ref.No:</u>	23/02946/OP
<u>Officer:</u>	Thomas Howe

Date of Expiry of Statutory Period:

22 March 2024

Extension of Time:

30 September 2024.

Reason for Referral to Planning Control Committee:

The application comprises residential development that would be set on land with a site area that exceeds 0.5 hectares. Therefore, as required by criterion (a), point 8.4.5 of the council constitution, the application must be referred to the Planning Control Committee for determination.

1.0 **Site History**

1.1 No relevant site history.

2.0 **Policies**

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

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP6: Sustainable Transport
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP10 - Healthy Communities
Policy SP11: Natural Resources and Sustainability
Policy SP12: Green Infrastructure, Landscape and Biodiversity
Policy HS3: Housing mix
Policy T1: Assessment of Transport Matters
Policy T2: Parking
Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
Policy NE1: Landscape
Policy NE2: Green Infrastructure

Policy NE4: Biodiversity and geological sites
Policy NE12: Renewable and Low Carbon Energy Development

2.2 **Knebworth Neighbourhood Plan 2019 -2031**

Policy KBBE1: Housing Mix
Policy KBBE2: Sustainable Buildings
Policy KBBE4 Design
Policy KBEF1: Biodiversity
Policy KBEF2: Energy Conservation
Policy KBEF3: Flooding and Drainage
Policy KBT1: Sustainable Modes of Travel

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

Section 2: Achieving sustainable development
Section 4: Decision making
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places and beautiful places
Section 14: Meeting the challenge of climate change, flooding, and coastal change
Section 15: Conserving and enhancing the natural environment

3.0 **Consultations**

3.1 **Neighbour Consultation** – None received.

3.2 **Parish Council** – Objection:

- Supports retention of existing dwelling.
- Objects to proposed access due to cumulative impacts to the proposed 'T' junction access for new dwellings causing harm to the safe operation of the highway.
- Recommends access solution in conjunction with adjacent allocated sites to improve efficiency of access to/from site.
- Requests that dwelling design run in tandem with master planning of nearby allocated sites to ensure consistency and high quality of design.
- Request for S106 moneys of £28,560 for “renewal of aged lighting system for the Village Hall nearby on Park Lane.”

3.3 **Highways** - Objection:

- Visibility splays not fully addressed/detailed.
- “...whilst the applicant has shown on the submitted plans visibility splays of 4.5m x 43m in both directions, however given that in both directions of the vehicle access the existing vegetation/foliage is very dense, the submission of a plan showing the splays is meaningless even when the applicant states that vegetation would need to be trimmed and then maintained.”
- “On the proposed means of access plan it is annotated that “Vegetation to be trimmed and maintained to 2.0m height”, this is incorrect it should be vegetation to be trimmed and maintained to no more than 0.6m height within the triangle splay areas. Due to reliance of regular maintenance which may lapse the HA would recommend very low growth planting/no planting within the splay areas to ensure gaps between the trees can provide a safe level of intervisibility splay areas.”

- Requirement to submit technical and scaled drawings to show all required dimensions and splays are fully detailed.
- Requirement to submit a Road Safety Audit 1.

3.3.1 **Highways** – Removal of objection. Recommends conditions and informatives:

“The HA has reviewed the latest submissions made by the applicant, taking into consideration the mitigating actions and measures proposed as recommended in the RSA1, no recorded collisions/personal injury accidents, proposed footways, all combined to improve site specific conditions as a result of the development, the relatively low vehicle trip impact, etc. the proposed visibility splays of 2.4m x 50m to the east and 2.4m x 56m to the west are now on balance considered to be acceptable.

It is proposed that the access into the site will operate as a shared surface to accommodate pedestrian, cycle and vehicular movements into and out of the site.

Subsequently, the design or calming features are required to ensure traffic speeds of no more than 5mph for pedestrian safety reasons. The applicant is required to demonstrate how the applicant proposes to ensure that vehicle speeds and visibility (lighting) will be provided to ensure pedestrian and others safety.

MfS states: the gradient of pedestrian routes (driveway/internal road) should ideally be no more than 5%, although topography or other circumstances may make this difficult to achieve. However, as a general rule. 8% should generally be considered as a maximum, which is the limit for most wheelchair users as advised in inclusive mobility.

The HA believes that there is sufficient scope for the applicant to satisfactorily address the above requirements and therefore could be conditioned.”

Also makes request for sustainable transport contributions of £6826 per dwelling or £61,434 in total (£6826 x 9).

3.4 **Lead Local Flood Authority:**

- Recommends that a detailed surface water drainage scheme be submitted to and approved in writing by the Local Planning Authority.

3.5 **Environmental Health –**

Noise:

- Recommends informative and conditions related to phase of construction and environmental management.

Contamination:

- Recommends pre-commencement condition related to a Phased site investigation.

Air Quality:

- Recommends EV Charger condition and informative.

3.6 Ecology

- Upon review of the submitted Preliminary Ecological Assessment, it was advised that no objection was raised. No ecological assets would be harmed. Recommends informative related to protected species and the requirement for a Biodiversity Enhancement Plan condition. Advises informative relating to lighting.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site comprises land surrounding and to the rear of Martlets, No. 66 Park Lane, Knebworth. The site is neighboured by KB1, a site allocated for development in the Local Plan 2011-2031. The total land within the red line measures approximately 0.8 hectares in total area.

4.1.2 The site is within the Knebworth Settlement Boundary. No heritage assets are present on site and at present, the site comprises the residential curtilage of No. 66, featuring a large lawn area, garaging, storage sheds and woodland. Access is provided by an existing gravel track off Park Lane.

4.2 **Proposal**

4.2.1 Outline planning permission is sought for the erection of up to 9 residential dwellings. All matters are reserved except for access.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The principle of the development.
- The sustainability of the proposed development.
- The acceptability of the proposed access.
- Harm to ecological assets within the site and the requirement for biodiversity net gain.
- The impact that the proposed development would have on the environment.
- Effect upon the living conditions of neighbours and future occupiers

Principle of Development:

4.3.2 The application site is within the adjusted Knebworth Settlement Boundary. Policy SP2 permits housing and supporting infrastructure within this adjusted settlement boundary of Knebworth. Given that this application seeks the erection of residential dwellings and an associated access, I consider that the works are compliant with the provisions of this policy and therefore raise no objection to the principle of the proposal subject to other material planning considerations.

Sustainability:

4.3.3 The site is located on the edge of Knebworth which is a large village in the second tier within the District's settlement hierarchy as set out by Local Plan Policy SP2, and is considered to be a sustainable location for new housing development.

- 4.3.4 Local Plan Policy D1 seeks to achieve sustainable design, through amongst other things, reducing energy consumption and waste and achieving sustainable drainage. In addition, Knebworth Neighbourhood Plan (KNP) Policy KBBE2 seeks to deliver sustainable buildings through construction methods, building orientation, renewable or low carbon energy generation, rainwater harvesting and greywater recycling. The applicant has addressed sustainability briefly in the submitted Planning Statement, indicating that at reserved matters stage the scheme will incorporate measures to reduce water consumption and energy use. However, such aspects are not reserved matters and therefore a condition is recommended to address this issue.
- 4.3.5 In accordance with Building Regulations, the dwellings would be required to incorporate various environmentally friendly features such as EV chargers, water saving features and efficient insulation and energy features.
- 4.3.6 In conclusion on this issue, the site is within the Knebworth settlement boundary and is within walking distance of nearby bus stops and the Knebworth Railway Station. Therefore, I consider that the development would be in a sustainable location and would not require use of a private vehicle for all journeys. Furthermore, a condition is recommended that seeks to achieve sustainable design and construction an EV Charger would be provided for each dwelling, and secure cycle storage would also be required. I consider that these are supported by Knebworth Neighbourhood Plan policies KBBE2 as well as KBT1 relating to sustainable transport.

Access:

- 4.3.7 The proposal seeks to utilise the existing access off Park Lane. This would be upgraded to a two-vehicle wide bell mouth leading into a 1.5 wide track within the site. At first, Hertfordshire Highways raised an objection to the proposal, citing concerns about the possible obstruction of visibility splays by vegetation together with the need for maintenance and regular trimming, instead recommending that low level planting be introduced to ensure a safe level of visibility is provided. Furthermore, they have recommended the provision of a new set of plans and a Road Safety Audit to confirm that the access will not harm the safe operation of the highway. These documents were subsequently provided and in May 2024, and the Highways Authority withdrew their objection subject to conditions being agreed to by the applicant. Therefore, I consider that the works would comply with the provisions of Local Plan Policies SP6 and T1 and Local Transport Plan (LTP4) given that the applicant can demonstrate that the proposed access would be safe in Highways Terms.
- 4.3.8 Hertfordshire Highways have requested contributions towards sustainable transport measures. I consider that this is a reasonable request, to which the applicant has agreed. It is proposed that this matter be addressed by a Unilateral Undertaking which would be completed subject to and following a resolution to grant planning permission.

Biodiversity Net Gain and Ecological Impacts:

- 4.3.9 The application as received in December 2023, and is therefore exempt from the national requirement for at least 10% of biodiversity net gain. To comply with Local Policy, and at the request of Hertfordshire Ecology, a condition is attached to this permission to require the provision of a plan and scheme of enhancements within the site as part of the Reserved Matters Stage.

Hertfordshire Ecology advised that this plan should include enhancements proposed within the Biodiversity Impact Statement provided by the application, with the enhancements detailed in section J: 1-5 being included with the plan detailing their location and siting. This would meet the requirements of Local Plan Policy NE4 and SP1 together with Knebworth Neighbourhood Plan policy KBEF1.

4.3.10 The LPA's ecologist advised that documents such as a preliminary ecological appraisal were necessary to fully understand the conditions of the site and to assess the existing ecological assets found. Following consultation with Hertfordshire Ecology, it was concluded that the development was acceptable and would not occasion unacceptable harm to the existing ecological assets within the site.

4.3.11 It is recommended that the tree survey discussed in the Design and Access statement addresses what necessary tree works are needed. Any tree felling would be viewed negatively when considering the biodiversity value of the trees within the site and that these works must be justified and balanced.

Design and Appearance:

4.3.12 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development.

4.3.13 The proposed access would alter the appearance of the site as viewed from Park Lane due to the widening of the entrance and due to the hard and soft landscaping scheme proposed to the front of the site directly abutting the public highway. I do not consider that the proposed bell mouth and associated footpath would appear out of place in this location owing to the predominantly residential nature of this part of Knebworth, at the periphery of the settlement. The proposed footway would result in the removal of some vegetation, however, given the presence of footpaths along Park Lane, I do not consider that it would appear out of place or as an incongruous addition to the local area. Further consideration of the appearance, layout and landscaping associated with the dwellings will be at the reserved matters stage.

4.3.14 The proposal is acceptable in principle from a design and appearance perspective, with the detailed design a matter that would be assessed at a later date. The proposed development therefore complies with Policies D1 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. This is broadly reflected by Policy KBBE4 of the Knebworth Neighbourhood Plan and is considered to be complied with.

Effect upon Living Conditions

4.3.15 The nearest existing residential property is to the south of the site on the opposite side of Park Lane. It is considered that residential development can be delivered on site without any harm to the living conditions of occupiers of nearby dwelling houses and any future occupiers of the adjacent allocated housing site.

4.3.16 Regarding future occupiers, the site is located close to the A1 and a noise assessment was submitted with this application. This assessment has recommended noise insulation and noise control measures. The Council's Environmental Health Officer was consulted on this application who is of the opinion that measures in addition to those proposed in the noise assessment are necessary as they are reliant on windows remaining closed to achieve the desired noise levels within habitable rooms of the proposed dwellings. Conditions are recommended to address concerns raised, including the provision of adequate ventilation with windows closed and details of acoustic fencing.

Other Matters

4.3.17 Concern is raised regarding the density and layout of the development. Although layout is not considered at this stage, proximity of the dwellings to the trees within and around the site is potential issue and I would wish to ensure that dwellings are not overshadowed or dominated by trees.

4.3.18 Consideration should be given to potential noise impacts and the requirements for acoustic surveys and mitigation measures from the motorway noise observed when on site.

4.3.19 The request for S106 financial contributions by the Parish Council is acknowledged. However, I consider that the contributions sought would not comply with the three tests outlined in the CIL regulations as they would not be directly related to the development, would not be necessary to make the development acceptable in planning terms and would not be fairly and reasonably related in scale and kind to the development.

4.3.20 It is acknowledged that the site is directly adjacent to an allocated site and that the Parish Council representation has requested that access be provided through this allocated site and for the design of the dwellings hereby proposed to be consistent with the dwellings on these allocated sites. Given that this application is independent of these developments, I do not consider that it is acceptable to require the access be run through these sites. However, it is important the proposed development would not affect access to sites allocated under Policy KB1 of the Local Plan and therefore the delivery of housing on the allocated site. The Highway Authority have not raised any concerns relating to this.

4.4 Planning Balance and Conclusion

4.4.1 Economic benefits would arise due to the use of local contractors and other businesses during the build out phase of the development and by residents using local businesses when the dwellings are fully occupied. Social benefits would arise due to the development providing houses within the district on a windfall site. Furthermore, the local centre of Knebworth is in proximity, providing various retail, employment and social facilities available for future residents. Subject to the recommended conditions and planning obligation, the proposed development would comply with the Local Plan as a whole and the National Planning Policy Framework. The proposal would be sustainable development and therefore the presumption in favour of granting planning permission applies.

4.5 Alternative Options

4.5.1 None applicable.

4.6 **Pre-Commencement Conditions:**

4.6.1 The applicant has agreed to the proposed pre-commencement conditions.

5.0 **Recommendation**

5.1 That outline planning permission be **GRANTED** subject to the following:

- a) The applicant submitting an acceptable unilateral undertaking that makes provision for the payment of £61,434 to Hertfordshire County Council towards sustainable transport provision and the applicant agreeing to an extension of time for this to be submitted and agreed;

and

- b) The following conditions and informatives:

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

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

3. 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.

4. 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/driveway, gradients and associated highway works concerning the footway, tactile paving, etc. in accordance with the hereby approved plans. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before occupation of any part of the development.

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

5. 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 detailed designs of the traffic calming measures and gradients along the shared surface access road. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before occupation of the development.

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

6. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Statement shall include details of:

- Access arrangements to the site.
- Traffic management requirements, including construction routes, signing details, monitoring and enforcement measures.
- Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas and details of storage and removal of building waste).
- Siting and details of wheel washing facilities.
- Measures to minimise dust, noise, machinery and traffic noise during construction, which shall include, cleaning of site entrances, site tracks and the adjacent public highway.
- Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.
- 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 which must be kept within the site boundary, pedestrian routes and remaining road width for vehicle movements
- Screening and hoarding details to protect neighbouring residents.
- end of day tidying procedures to ensure protection of the site outside the hours of construction including details relating to compliance with best practice set out in British Standard 5228 1997.

Reason: In order to protect the amenities of local residents, 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), North Hertfordshire Local Plan Policy D3.

7. Prior to the first occupation/use of the development hereby permitted the vehicular access, car parking layout and pedestrian visibility splays 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. As part of the details at the Reserved Matters stage, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall reference and incorporate the enhancements detailed in the Biodiversity Impact Statement prepared by Wildlife Consultants Limited, Section J 1-5 and shall include a habitat plan to specify the location and siting of these features within the site.

Reason: To achieve a measurable net gain in biodiversity, in accordance with Policies SP1 and NE4 of the Local Plan.

9. Prior to commencement of works above ground level, a site-wide sustainability strategy shall be submitted to and approved in writing by the Local Planning Authority that addresses renewable energy, reducing carbon emissions and water conservation. The agreed measures shall be implemented and maintained thereafter.

Reason: To reduce carbon emissions and promote the principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and of the North Hertfordshire Local Plan 2011 to 2031.

10. Notwithstanding the recommendations of the submitted noise assessment by Spectrum Acoustic Consultants (ref. RK3639/23282/Rev0) details shall be submitted to and approved in writing prior to commencement of works above ground level, relating to the provision of ventilation for the proposed dwellings with windows closed. The approved details shall be implemented and maintained thereafter.

Reason: To ensure an acceptable standard of residential amenity for future occupiers and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

11. Prior to the occupation of the proposed development, details of the proposed the 2.0m high close boarded fencing specified in Section 5.4 of the submitted noise report by Spectrum Acoustic Consultants (Ref. RK3639/2382/Rev 0) dated 25th October 2023 shall be submitted to an approved in writing by the Local Planning Authority. The fencing shall be implemented, retained and maintained thereafter.

Reason: To protect the living conditions of future residents and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage 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. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN5) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN7) Planning Obligations and Agreements It is Hertfordshire County Councils policy to seek a planning obligation in respect of Sustainable Transport including for all developments. The revised NPPF -July 2021 promotes accessibility by sustainable means including bus, cycling, and walking, and the provisions of S106 of the Town and Country Planning Act-1990 allows that planning obligations, governed by the guidance within CIL Regulations may be used to mitigate the impact of development. On 22 June 2021, HCC adopted a new toolkit to seek planning obligations towards sustainable transport.

Full details on HCC's policy towards planning obligations may be found at the following web address <https://www.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/who-we-are-and-what-we-do/property/planning-obligations-guidance.aspx#developercontributions>.

2. The Environment Agency guidance for completing individual flood risk assessments should be reviewed for this application by the Local Planning Authority.

Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability. Finished ground floor levels should be a minimum of 150mm above the surrounding ground levels, sloping away from all doorways, to provide flood resilience in any exceedance flood events, The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

This would also be in line with Building Regulations Part H4.

Any planning application that falls within Groundwater Source Protection Zone 1 will not be able to discharge surface water to soakaway features and consultation with the Environment Agency must take place to assess any risks to groundwater pollution.

3. If European Protected Species (EPS), including bats and great crested newts, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

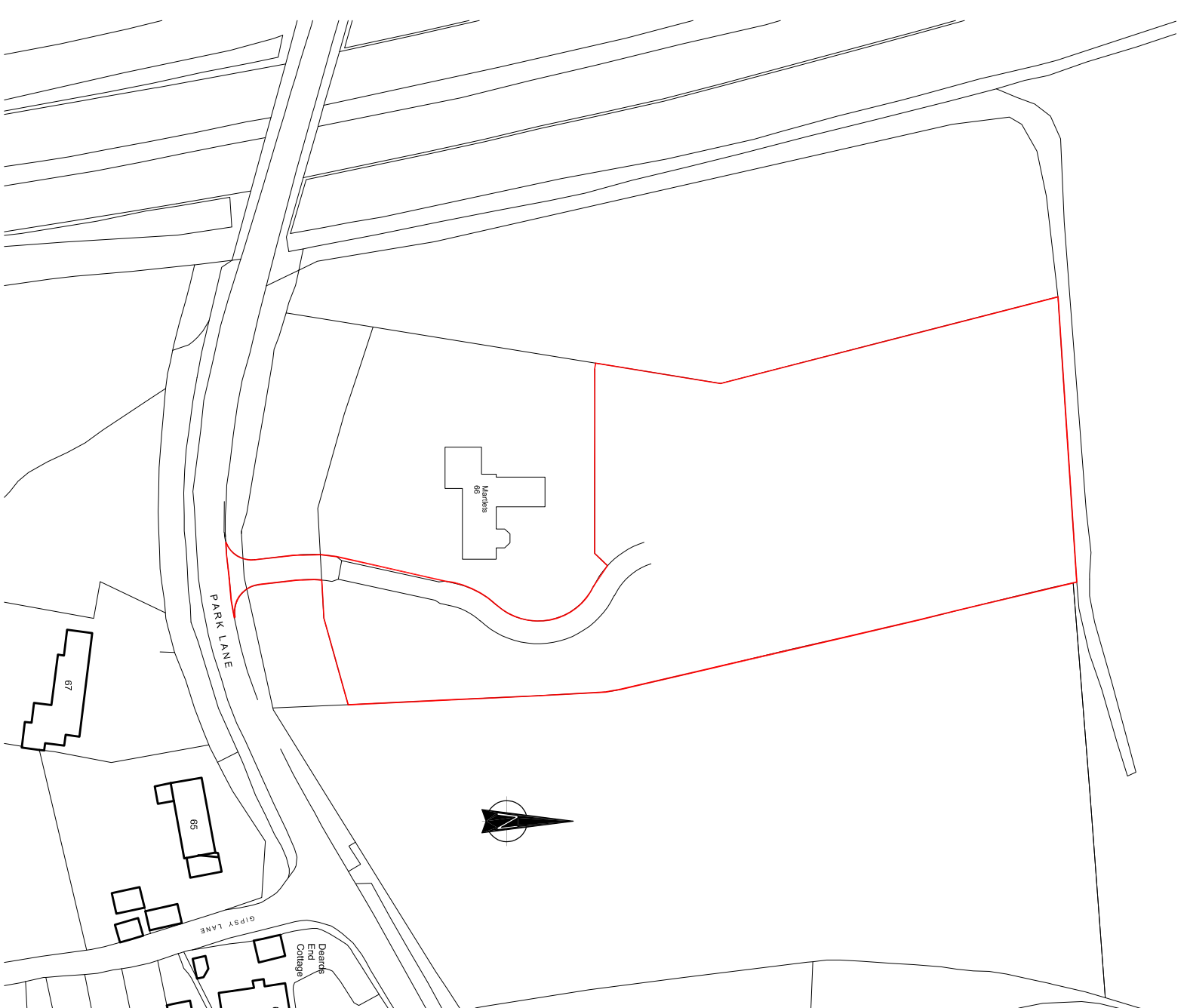
To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

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

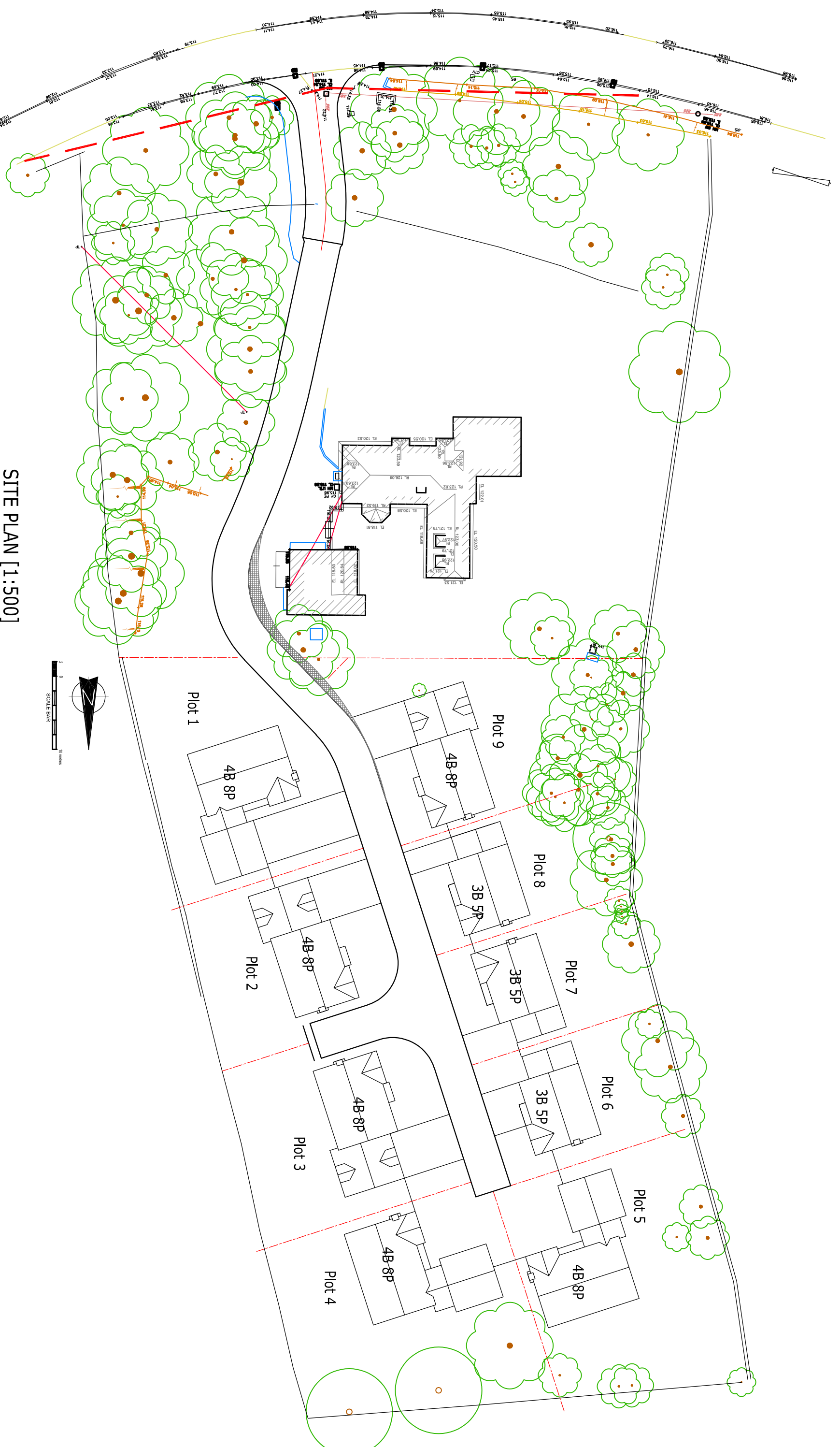
4. Any external lighting, whether this is temporary or permanent, should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

5. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan> The Biodiversity Gain Plan should be submitted as an 'application for approval of details reserved by condition following grant of planning permission' via the Planning Portal.

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LOCATION PLAN [1:1250]
Site Area 8,100m²



SITE PLAN [1:500]

ALL DIMENSIONS TO BE VERIFIED ON SITE DO NOT SCALE FOR CONSTRUCTION PURPOSES THIS DRAWING AND DESIGN REMAINS THE COPYRIGHT OF THE ARCHITECT AND MAY NOT BE REPRODUCED WITHOUT PERMISSION.

JOB No.	1025
DWG No.	PL01B
SCALE	1/500 @ A1
DATE	NOV 2023
DRAWN	

MARTLETS
66 Park Lane, Knebworth,
Hertfordshire, SG3 6PW

Proposed Site Layout

M Scott
Architectural
Design

BANCROFT HOUSE
34 BANCROFT
HITCHIN
HERTS SG5 1LA
www.msad.uk
Tel:01462 422440

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<u>Location:</u>	Land Between 134 And 148 High Street Kimpton Hertfordshire SG4 8QP
<u>Applicant:</u>	Oxford University Endowment Management Ltd
<u>Proposal:</u>	Residential development comprising of 15 dwellings (all matters reserved except means of access).
<u>Ref. No:</u>	21/00541/OP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

25 September 2021

Reason for delay:

This application was originally reported to the Planning Control Committee on 7 March 2024 when it was recommended that planning permission be refused due to the absence of agreement relating to S106 Planning Obligations. However, the Chair informed Members that it was deferred to a future meeting due to unresolved matters in relation to S106 Obligations. These matters have now been resolved.

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater (the site area is 0.65ha), as set out in 8.4.5 (a) of the Council's 2023 Scheme of Delegation.

1.0 **Site History**

1.1 15/02963/1 - Retrospective application for temporary car park for 30 vehicles (as amended) - Approved 19/05/16.

1.2 79/01636/1 - Proposed sports ground and pavilion – Required 04/03/80.

2.0 **Policies**

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

Policies:

SP1 – Sustainable development in North Hertfordshire

SP2 – Settlement Hierarchy and Spatial Distribution

SP6 – Sustainable transport
SP7 – Infrastructure requirements and developer contributions
SP8 - Housing
SP9 – Design and sustainability
SP11 – Natural resources and sustainability
SP12 – Green infrastructure, landscape and biodiversity
SP13 - Historic environment

T1 – Assessment of transport matters
T2 – Parking
HS1 – Local Housing Allocations
HS2 – Affordable Housing
HS3 – Housing mix
D1 – Sustainable Design
D3 – Protecting Living Conditions
D4 – Air quality
NE2 – Landscape
NE4 - Biodiversity and geological sites
NE6 - New and improved open space
NE7 – Reducing flood risk
NE8 – Sustainable drainage systems
NE11 – Contaminated land
HE1 - Designated heritage assets
KM3 – Land north of High Street

2.2 National Planning Policy Framework

Chapter 5 – Delivering a sufficient supply of homes
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed and beautiful places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

2.3 Supplementary Planning Document

Developer Contributions Supplementary Planning Document 2023

3.0 Representations

3.1 Site Notice:

Start Date: 26/02/2021

Expiry Date: 28/03/2021

3.2 Press Notice:

Start Date: 04/03/2021

Expiry Date: 27/03/2021

3.3 **Neighbouring Properties:**

The following objections were received:

- Unable to see the designs of the dwellings.
- Too many houses.
- The houses that face No. 134 High Street are overdevelopment and are in front of the building line of No. 134 and below.
- Can't determine parking provision.
- The High Street can't sustain more on-road parking.
- The Luton Road should be widened.
- Won't be able to access Public Footpath 033.
- Safety issues from new junction.
- Loss of privacy.
- Detrimental to mental health and lifestyles.
- If Kimpton needs, or can sustain, the proposed houses.
- Kimpton has undergone some significant developments.
- Building on Green Belt.
- Loss of green space.
- Loss of views.
- Disruption to wildlife.
- Problems with flooding.
- Increased loads on sewers.

3.4 **Kimpton Parish Council:**

General Comments:

- We welcome applications that offer a high quality of design, affordability, meet government national space standards, proven defined sustainable delivery, address community defined requirements and add value to the parish.
- The site (KM3) is noted within the current Local Plan as an area for the development of 13 dwellings.
- The application is for outline planning for 15 dwellings with all matters except access to be dealt with as reserved matters.
- We note the application includes for 3 dwellings designated 'social, affordable, or intermediate rent' and 2 dwellings designated 'affordable home ownership'.

Full comments are in Appendix 1 to this report.

3.5 **Statutory Consultees:**

3.6 Environmental Protection Air Quality – No objections.

3.7 Hertfordshire County Council Growth and Infrastructure - Based on the information to date for the development of 15 dwellings we would seek financial contributions towards the following projects:

Secondary Education towards the expansion of Katherine Warrington Secondary School and/or provision serving the development (£197,176 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) towards the new East Severe Learning Difficulty school and/or provision serving the development (£21,087 index linked to BCIS 1Q2022)

Library Service towards increasing the capacity of Hitchin Library and/or provision serving the development (£3,642 index linked to BCIS 1Q2022)

Youth Service towards the delivery of a new centre young people's centre serving Hitchin and the surrounding area and/or provision serving the development (£5,214 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.

3.8 Environmental Health Officer – No objections.

3.9 Hertfordshire County Council highways officer – Does not wish to restrict the grant of permission subject to the following conditions.

Full comments are in Appendix 1 to this report.

3.10 Housing Supply Officer - The applicant's affordable housing proposals include 4 x 2 bed houses and 1 x 3 bed house and I suggest one of the 2 bed houses is changed to a three bed house to meet the council's affordable housing requirements.

Full comments are in Appendix 1 to this report.

3.11 Greenspace Service Manager - Due to the location of the development the Greenspace provision would be a question better suited to be answered by the Parish Council on this occasion. The Parish in Kimpton already maintain directly the village recreation ground etc and as such it is expected that they would be seeking contributions towards the play area as an off-site contribution.

3.12 Sport England - The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case.

3.13 Lead Local Flood Authority - We consider that outline planning permission could be granted for the proposed development if the following planning conditions are included as set out below.

Full comments are in Appendix 1 to this report.

- 3.14 County Council Archaeologist - The proposed development is of some size, and therefore has potential to impact heavily on any archaeological remains that may be present. However, the site is outside the historic core of Kimpton, there are no nearby recorded archaeological remains, and the ground is not topographically favourable for e.g. prehistoric or Roman occupation.

In this instance, therefore, I have no comment to make on the proposal.

- 3.15 Waste Officer – The smaller vehicles we do have are already working to capacity servicing older properties with historic access issues. We would not expect to have to use them for new developments as well. Any new developments should be built to accommodate the largest vehicles in order to be included on the regular rounds, thereby guaranteeing collections and avoiding costly and time-consuming alterations.
- 3.16 Hertfordshire Ecology - Consistent with previous comments on this site, we have no concerns with the principle of development at this site.

Full comments are in Appendix 1 to this report.

- 3.17 Herts and Middlesex Wildlife Trust - Objection: Biodiversity net gain not proven. Ecological report not consistent with BS 42020 or CIEEM survey guidelines. No consideration of local or national planning policy.

Full comments are in Appendix 1 to this report.

- 3.18 Growth and Infrastructure Unit Herts CC Fire Hydrants - Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is undeveloped land, which is the southern part of an agricultural field. Ground levels slope up to the north. The south front boundary with the High Street is a low grass mound, which allows clear views into the site and its surroundings. The side boundaries are comprised of hedges, trees and vegetation. The north rear boundary is open and part of the wider field that extends to the north.
- 4.1.2 The site is on the western edge of Kimpton, and its east boundary borders the west side boundary of No. 134 High Street, a two-storey detached dwelling with a pitched roof. Detached and semi-detached dwellings continue east from No. 134 towards central Kimpton. South of the site, on the opposite side of High Street, there are semi-detached and terraced two storey dwellings, which are also part of Kimpton. The west boundary of the site is adjacent to equestrian land and buildings in association with No. 148 High Street (now undergoing development to residential).
- 4.1.3 The site is within the village boundary of Kimpton in the adopted Local Plan and is allocated housing site KM3. The west boundary of the site is adjacent to a Conservation Area. The north boundary is adjacent to the Green Belt, although the site itself is not within the Green Belt.

4.2 **Proposal**

- 4.2.1 Outline planning permission is sought for the development of the site to residential, with 15 dwellings proposed. All matters are reserved except access, which is proposed to constitute one vehicular and pedestrian access onto the High Street, with a public footway extending in both directions from the access at the front of the site. Ten of the dwellings are proposed to be market housing, with the other 5 being affordable.
- 4.2.2 An illustrative masterplan shows a site layout with four 2 bed dwellings, five 3 bed dwellings, and six 4 bed dwellings. This masterplan is indicative and could change at the Reserved Matters stage if outline permission is granted.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The acceptability of the principle of the proposed works in this location.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision and the public highway in the area.
- The quality of landscaping proposed and the impact the proposed development would have on trees.
- The impact that the proposed development would have on ecology and protected species.
- The impact of the proposal on drainage and flood risk.
- The impact of the proposed development upon infrastructure, services and facilities and resultant requirement for planning obligations.

Principle of Development:

- 4.3.2 The site is within the village boundary of Kimpton in the adopted Local Plan and not within the Green Belt. Kimpton is designated as a Category A village by Policy SP2 of the adopted Local Plan, which states that general development will be allowed within the settlement boundary. The site is also allocated housing site under Policy KM3 in the adopted Local Plan. The principle of residential development is therefore acceptable.

Character and appearance:

- 4.3.3 The site is undeveloped and part of an agricultural field, and effectively where the countryside begins at this western part of Kimpton. The proposed development would urbanise the site and would be likely to result in the development of much of it, as shown by the indicative masterplan. This would change the existing rural character and appearance of the site.

- 4.3.4 However, the site is within the defined settlement boundary of Kimpton in the adopted Plan, and is also allocated housing site KM3, therefore there is an expectation that the site will be developed for housing. As an extension to Kimpton the development is small and proportionate to the size of the village. The development would also appear as a continuation of Kimpton along High Street. Therefore, the proposed development would not appear out of character in this context. Furthermore, an area of land that adjoins the west boundary is being developed for 9 dwellings under planning permission 20/00667/FP and will have residential development on both sides.
- 4.3.5 The application is outline, with only the access not reserved. The access proposed is conventional with two lanes and a footway extending across the front of the site in both directions. The visual impacts of this are considered relatively minimal, and not dissimilar to the residential development opposite the site on the south side of the High Street. Using only one access would also minimise the number of 'breaks' through the southern boundary, which could leave room for landscaping and screening of the development from the High Street. The access would be sited away from the Conservation Area and is not considered harmful to its significance, and the footways would have minimal impacts that are not considered harmful to it.
- 4.3.6 The application proposes 15 dwellings for this site, which is considered sufficiently close to the KM3 dwelling estimate of 13 to be acceptable. The housing mix on the application form is not specified, however the indicative plan and the Planning Statement refer to 4 two bed dwellings, 5 three bed dwellings, and 6 four bed dwellings. Local Plan Policy HS3 in supporting paragraph 8.21 makes an initial assumption that smaller dwellings of 1 and 2 bedrooms should be 40% of the number of dwellings of a development. The number of two bed smaller dwellings specified is considered to comply with HS3 and can be required by Condition.
- 4.3.7 The indicative layout shows that 15 dwellings with internal roads, parking areas, hard and soft landscaping, open space and SuDS areas, could be accommodated on the site. However, layout is a Reserved Matter along with scale, appearance and landscaping.

Impacts on Neighbouring Properties:

- 4.3.8 The proposed access and footways would be sited away from the closest dwellings, and it is considered this would not result in harm to their amenity. The development would be separated from No. 148 High Street to the west by the new residential development undergoing commencement following planning permission 20/00667/FP and would not be likely to adversely affect that dwelling based on the illustrative layout. Nevertheless, this is an issue that would be considered at Reserved Matters stage.
- 4.3.9 As above, land to the west of the site is undergoing development following 20/00667/FP. When comparing the approved plans of that permission with the indicative plan, the two westernmost dwellings would be likely to be visible to some of the new dwellings on the adjacent site.

Precise impacts would however only be able to be determined at the Reserved Matters stage as details of that application should show factors that will determine the impacts on amenity such as levels, designs, heights, distances from the boundary etc. Dwellings to the south would be separated from the development by the High Street.

- 4.3.10 The development would be closest to No. 134 High Street, a dwelling that shares its west boundary with the east boundary of the site. The illustrative layout plan shows that the rear elevations of the dwellings shown facing towards No. 134 would all be approx. 15m from that property's side boundary, apart from dwelling 11 which would be 11m. The effect would depend upon the design and scale of the proposed dwellings, and this would be considered at the Reserved Matters stage if planning permission is granted.
- 4.3.11 In conclusion on this matter, the site is allocated for residential development, and it is considered that development can be accommodated on this site without unacceptably harming the residential amenities of occupiers of nearby dwellings. However, this is a matter that would be carefully assessed at Reserved Matters stage.

Amenity of Future Occupiers:

- 4.3.12 Paragraph 130 (f) of the NPPF states that "*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*". Paragraph 130 (f) is largely reflected in Policy SP9 of the Local Plan.
- 4.3.13 I consider that the uses adjacent to the site would not result in unsatisfactory living conditions for dwellings that could be built on the site.
- 4.3.14 The site also appears sufficiently large to accommodate public amenity space for the dwellings as required by Policy NE6 of the Local Plan. Acceptable future living conditions are considered achievable, and this is matter that would be carefully considered at Reserved Matters stage.

Highways and Parking:

- 4.3.15 The County Council highways officer has not objected to the proposed access and its impacts on the public highway; therefore, this is considered acceptable. Traffic generation is forecast as being 8 vehicles arriving and departing during the morning and evening rush hours, which would not adversely affect the local highway network.
- 4.3.16 Some comments have been received concerning lack of access to a public footpath as a result of the development. This footpath does not adjoin the site and is relatively far to the north, extending east from Luton Road to Claggy Road. It appears from visiting the site that there is an informal path near the east boundary of the site that extends north to meet the footpath. The proposed development may result in this informal path not being usable, although this could only be confirmed at the Reserved Matters stage.
- 4.3.17 At the present time, it is considered that impacts on this path can only be given limited weight, as it is informal, it's on private land therefore the landowner could take measures at any time to deny access, full impacts could only be determined at the Reserved Matters stage.

The Highway Authority has not raised concerns, and a formal process would be likely to be required to create a new public right of way. It is not considered that potential impacts on this informal path are a reasonable basis for withholding planning permission.

- 4.3.18 As this application is Outline, details of bedroom numbers for each dwelling, car parking and cycle parking have not been specified and are not known. However, the indicative layout demonstrates that sufficient parking can be provided as this shows that each dwelling would have two parking spaces, which is the minimum required by Local Plan Policy T2. This layout also shows that sufficient internal manoeuvring and turning space can be provided for large vehicles including refuse lorries. The proposal in respect of the access is considered to comply with Policy T1 of the Local Plan.

Trees and Landscaping:

- 4.3.19 There are a small number of young to maturing trees on both side boundaries. The proposed access would not affect these trees. Full impacts of the development on the trees on the boundaries would be determined at the Reserved Matters stage.

Ecology:

- 4.3.20 An ecological survey submitted with the application determined that the site is of modest intrinsic nature conservation interest, and would not harm protected species and their roosts, which Hertfordshire Ecology have agreed with and can be given significant weight. The survey also concluded that the biodiversity value of the site could be improved to provide a net gain, which is considered realistic given that it is presently a managed agricultural field. The survey identified 9 recommendations to improve biodiversity and based upon advice received from Hertfordshire Ecology it is considered that these can be secured at the Reserved Matters stage. The proposal is not considered harmful to ecology and should be able to deliver a biodiversity net gain to comply with Policy NE4 of the Local Plan. The application was submitted in 2021 and therefore 10% Biodiversity Net Gain is not mandatory.

Drainage and flood risk

- 4.3.21 The applicant has submitted a Flood Risk Assessment and Drainage Strategy, which have been reviewed by the Lead Local Flood Authority and considered acceptable. Subject to the conditions recommended by the LLFA being imposed, the proposal is considered acceptable in this regard and complies with Policies NE7 and NE8 of the Local Plan.

Planning obligations

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

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

Element	Detail and Justification
Affordable Housing (NHDC)	On site provision of 5 affordable dwellings based on 65% rented tenure (2 x 2 bed dwellings, 1 x 3 bed dwelling) and 35% shared ownership (1 x 2 bed dwelling, 1 x 3 bed dwelling) NHDC Planning Obligations Supplementary Planning Document Local Plan Policy HS2 'Affordable Housing'
Waste Services (NHDC)	£1,065 (before indexing) towards the cost of providing waste collection and recycling facilities serving the Development
Secondary education (HCC)	£197,176 (index-linked) towards expansion of Katherine Warington Secondary School and/or provision serving the development Local Plan Policy SP7 'Infrastructure requirements and developer contributions' NHDC Planning Obligations Supplementary Planning Document
Special Educational Needs and Disabilities (SEND) (HCC)	£21,087 (index linked) towards the new East Severe Learning Difficulty school and/or provision serving the development Local Plan Policy SP7 'Infrastructure requirements and developer contributions' NHDC Planning Obligations Supplementary Planning Document
Library Services (HCC)	£3,642 (index-linked) towards increasing the capacity of Hitchin Library and/or provision serving the development Local Plan Policy SP7 'Infrastructure requirements and developer contributions' NHDC Planning Obligations Supplementary Planning Document
Youth Services (HCC)	£5,214 (index-linked) towards the delivery of a new centre young people's centre serving Hitchin and the surrounding area and/or provision serving the development Policy SP7 'Infrastructure requirements and developer contributions' NHDC Planning Obligations Supplementary Planning Document

Monitoring Fees (HCC)	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 (before adjusting for inflation). HCC Guide to Developer Infrastructure Contributions (July 2021)
Fire Hydrants (HCC)	Provision of fire hydrants for the development
Open space management and maintenance arrangements (NHDC)	Open Space Management Company to secure the provision and long-term management and maintenance of the open space on-site

4.3.23 These obligations have been agreed by the applicant and all relevant parties, and a draft S106 has been submitted to the LPA. These obligations are considered to meet the relevant tests in 4.3.20 and make the development acceptable in planning terms through acceptable mitigation of its impacts on relevant infrastructure. The proposal complies with Policy SP7 of the Local Plan.

Climate Change Mitigation:

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

4.4 Balance and Conclusion

4.4.1 This application was submitted before December 2023. Therefore, under the provisions of the NPPF the exemption from the requirement to identify a 5-year supply of deliverable housing sites does not apply to this application. It is estimated that the current housing supply is about 3.7 years and consequently in this case the tilted balance set out at paragraph 11 (d) of the Framework applies. It is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of providing 15 new dwellings on an allocated housing site in a sustainable location, when assessed against the policies of the NPPF as a whole.

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

4.5 **Alternative Options**

4.5.1 None applicable.

5.0 **Legal Implications**

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

6.0 **Recommendation**

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

A) The 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 below:

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

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

3. 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.

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

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

5. 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.

6. The development hereby permitted shall not commence until the new access from the High Street has been constructed 5.50 metres wide with 6.0 metre radii kerbs as identified on drawing number 1808-23 PL01 and shall include for extending the new footway to the relocated bus stop to the east of the site which shall be located along the frontage of the site to ensure that there is sufficient space to accommodate a bus shelter, complete with easy access kerbs. 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. 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. To comply with Policy T1 of the Local Plan.

7. The gradient of the access shall not be steeper than 1 in 20 for at least the first 12 metres from the edge of the carriageway.

Reason: To ensure satisfactory access into the site and to ensure a vehicle is approximately level before being driven off and on to the highway and in accordance with Policy 5 of Hertfordshire's Local Transport Plan. To comply with Policy T1 of the Local Plan.

8. 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.

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). To comply with Policy T1 of the Local Plan.

9. The development permitted by this planning permission shall be carried out in accordance with the principles of the approved drainage strategy indicated on Preliminary Foul & Surface Water Drainage Strategy, Drawing No. SK100, dated March 2019 and the information submitted in support of this application and the following mitigation measures.
 1. Limiting the surface water runoff generated by the critical storm events so that it will not exceed the surface water runoff generated by the 1 in 100 year plus 40% allowance for climate change event.
 2. Provide attenuation to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year including 40% for climate change event.
 3. Discharge of surface water from the private and adoptable drainage network into the ground.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants. To comply with Policy NE8 of the Local Plan.

10. No development shall take place until a detailed surface water drainage scheme for the site based on the principles of the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
1. Further detailed infiltration testing to BRE Digest 365 Standard should be conducted in the exact depth and location of the proposed attenuation basin.
 2. Should infiltration ultimately be deemed not a viable solution for the development an alternative discharge method should be sought, and evidence submitted to show that the discharge hierarchy has been followed.
 3. Final detailed drainage layout plan showing all piped networks and SuDS features identified invert levels, as well as final discharge into the ground.
 4. Silt Traps for protection of any residual tanked elements.
 5. Full Assessment of the final proposed treatment train for any proposed access roads or driveways.
 6. Final network modelling based on an appropriate discharge mechanism for all rainfall events up to and including the 1 in 100-year rainfall including 40% climate change allowance.
 7. Detailed engineered drawings of the proposed SuDS and drainage features including cross and long section drawings, size, volume, depth and any inlet and outlet features details including any connecting pipe runs.
 8. Details regarding any areas of informal flooding to be shown on a plan with estimated extent areas, flooding volumes and depths based on the proposed layout and topography of the site.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site. To comply with Policy NE8 of the Local Plan.

11. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
1. Final confirmation of management and maintenance requirements and any adoption arrangements.
 2. Provision of complete set of as built drawings of the site surface water drainage.

Reason: To reduce the risk of flooding to the proposed development and future occupants. To comply with Policy NE8 of the Local Plan.

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

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality. To comply with Policy D4 of the Local Plan.

13. Land Contamination Condition

- (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. To comply with Policy NE11 of the Local Plan.

14. During the construction 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.

Reason: To protect the residential amenity of existing residents. To comply with Policy D3 of the Local Plan.

15. As part of the details at the Reserved Matters stage, a Landscape and Ecological Management Plan (LEMP) shall be submitted, which should include:

- (i) The recommendations set out in Section 5 of the Preliminary Ecological Appraisal (MKA Ecology, 4 February 2019); and
- (ii) A lighting strategy that reduces lightspill onto existing boundary features (to a maximum of 0.5 lux); and
- (iii) A demonstration of how a biodiversity net gain can be delivered on site; and
- (iv) A new ecological assessment to determine if any changes have occurred within and adjacent to the site, with the findings of this assessment being applicable to the overall LEMP required under this Condition.

Reason: In the interests of ecology and to provide a biodiversity net gain. To comply with Policy NE4 of the Local Plan.

16. Prior to the commencement of above ground development and as part of Reserved Matters application(s), a housing schedule shall be submitted and approved by the Local Planning Authority, which sets out the dwelling mix, which should be broadly reflect the proposed dwelling mix of 27% smaller units (1 and 2 bed units) and 73% larger units (3 bed and above), unless otherwise agreed in writing by the Local Planning Authority. The approved dwelling mix shall be implemented on site.

Reason: To ensure an acceptable housing mix such that the development complies with Policy HS3 of the Local Plan

Proactive Statement

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

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21/00541/OP – Appendix 1

Kimpton Parish Council

General Comments:

1. We welcome applications that offer a high quality of design, affordability, meet government national space standards, proven defined sustainable delivery, address community defined requirements and add value to the parish.
2. The site (KM3) is noted within the current Local Plan as an area for the development of 13 dwellings.
3. The application is for outline planning for 15 dwellings with all matters except access to be dealt with as reserved matters.
4. We note the application includes for 3 dwellings designated 'social, affordable, or intermediate rent' and 2 dwellings designated 'affordable home ownership'.

Material Planning Considerations:

5. Emerging Local Plan 2011-31 Policy SP8 page 47 Housing. States:-
'f. Support a range of housing tenures, types and sizes measured against targets to provide:
ii. a broadly even split between smaller (1- and 2-bed) and larger (3+ bed) properties;
and:-
The requirements of the Emerging Local Plan 2011-31 Section 8.20. state that "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. The most appropriate solution will be considered on a site-by-site basis having regard to this, up-to-date evidence of housing need, the criteria set out above and the outcomes from applying Policy HS2."
and the evidence of housing need indicates:-
The requirements of 'Kimpton Parish Housing Needs Survey March 2019' clearly states the need for 24 additional affordable homes mainly of 1 and 2 bedroom size within the parish.
The applicant has indicated a provision of only 27% 1 and 2 bed dwellings. Clearly the above criteria have not been met the applicant. These issues should be addressed by the applicant.
6. NHDC Emerging Local Plan 2011-31 Policy HS2: Affordable housing states:- Planning permission for new homes will be granted where:
 - a. Affordable housing provision is:
 - (i) maximised having regard to the targets set in this policy; and
 - (ii) made on-site;
 - b. The size, type and tenure of any affordable housing has regard to: 87 Strategic Housing Land Availability Assessment (NHDC, 2016); Housing and Green Belt Background Paper (NHDC, 2016) 93:
 - (i) the Council's starting point for negotiation that 65% of homes will be rented and 35% other forms of affordable housing;
 - (ii) the housing needs of the area;
 - (iii) the likely affordability of any affordable housing provision in real terms;
 - (iv) relevant local authority housing register data; and

- (v) the requirements of Policy HS3 and the proposed mix of housing across the site as a whole;
- c. The affordable housing is secured for first and subsequent occupiers through an appropriate condition or legal agreement providing for:
 - (i) the retention of dwellings through the Council, a registered provider or similar body agreed with the Council; and
 - (ii) where appropriate, review mechanisms
- d. Relevant Supplementary Planning Documents, strategies or advice have been taken into account. Where development of a site is phased or divided into separate parts, or could reasonably be considered part of a larger development which would exceed the thresholds, it will be considered as a whole for the purposes of affordable housing provision.

Size of site (gross dwellings)	Target percentage of dwellings to be affordable
11 – 14 dwellings	25%
15 – 24 dwellings	35%
25 or more dwellings	40%

Based upon 15 dwellings at a provision of 35% affordable the site requirement would be for 5.25 dwellings.

Based upon 'Technical housing standards – nationally described space standard' the actual percentage by area offered by the applicant is only 26% as affordable housing. Therefore, based upon number of dwellings and area of dwellings, we would require, as a minimum, 6 dwellings to be provided as affordable. These issues should be addressed by the applicant.

Comments:

7. Design and Access Statement Page 23 Illustrative Layout. The applicant states 'The illustrative layout opposite has been designed to give an idea of how the site could be developed to deliver 15 new homes for the district having regard to the site's context, opportunities and constraints.'
We therefore seek confirmation, by the stipulation of planning constraints, as to which elements of this application are to be required to be delivered as part of a future detail application.
8. Design and Access Statement Page 26 Height. This describes the dwellings to be of 2 and 2.5 stories in height. No quantification of the maximum ridge height of buildings is stated. We are unclear to the applicant's dimensional definition of 2.5 stories.
The site boundary to the west is a designated conservation area and also currently Green Belt.
To comply with NHDC Emerging Local Plan 2011-31 HS1 Local Housing Allocation. B) and Policy KM3 regarding sensitive design to minimise the impacts upon the Conservation area the height of the proposed development should be in line with adjacent dwellings to the east and west. We suggest that a maximum height from existing ground level to ridge height of 9m to be stipulated within any planning condition to avoid inappropriate construction height of dwellings to result.
9. Design and Access Statement Page 28 Parking. The indicated layout provides parking for 3 cars in series to 8 of the properties. Such arrangements are unlikely to be used as intended, resulting in the parking of cars in unintended locations.

The proposed parking allocations need to be improved. Planning response should stipulate that such provision should be addressed within any 'Application for approval of reserved matters'.

10. Design and Access Statement Page 29 Drainage. Reference is made to the receipt of confirmation from Thames Water that connection of 15 dwellings to the existing system is acceptable. We could not find this documentation within the application to ratify this statement and would request that such information should be submitted and verified prior to any planning approval.
11. Design and Access Statement Page 30 Surface Water. The application indicates that no surface water will be discharged in to the utility surface water sewer. Planning response should stipulate that such provision should be maintained within any 'Application for approval of reserved matters'.
12. Infrastructure. The current electrical infrastructure is unable to support the provision of a development of this size without reinforcement. The applicant should confirm where upon the site an additional electrical substation would be incorporated, noting that such a location upon the road frontage would be unacceptable. It may be the case that the applicant is intending an 'off grid' development which we would be pleased to hear clarification upon such intentions.
13. NPPF Feb 2019 Clause 148 States:-
'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'
KPC and NHDC have adopted a "climate emergency" policy. Please confirm what the climate impact of the development is and what avoidance of external energy and water usage has been incorporated within the application? There is currently no quantifiable statement within the application. There is no indication of an approach to these matters. No commitment is made to the providing of electric car charging points to either residents or visitors. No mention is made of the energy source for the property.
The applicant has not demonstrated how the proposal supports this requirement. These issues should be addressed by the applicant.
14. NPPF Feb 2019 Clause 151 States :-
To help increase the use and supply of renewable and low carbon energy and heat, plans should:
a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
The applicant has not demonstrated how the proposal supports this requirement. These issues should be addressed by the applicant.
15. NHDC Local Development Framework. Planning Obligations Supplementary Planning Document November 2006 2.7.3 Policy 2 – Design and Provision of Development. This requires developers to provide or finance the cost of provision that is fairly and reasonably related in scale and kind to the proposed development. It goes on to state that: "Planning obligations will be sought prior to the issue of planning permission.

Provisions will cover those necessary to serve the development, to mitigate its impact or to offset the loss of or impact on an existing resource, or otherwise necessary in the interests of comprehensive planning and sustainable development.”

We ask that the appropriate contributions required by this document are made as part of any planning permission and obtained prior to any consent.

16. Policy HS1: Local Housing Allocations states

Local Housing Allocations are listed by parish and settlement in Chapter 13 and shown on the Proposals Map. Planning permission for residential development and associated infrastructure on these sites will be granted where:

- a. Development broadly accords with the indicative number of homes shown;
- b. Proposals successfully address site specific considerations; and
- c. Unless site-specific considerations state otherwise, a variety of homes are provided in accordance with the general policy requirements of this Plan. Planning permission for other uses will be refused.

Based upon the current application there a number of significant issues, as listed above, that need to be addressed to enable a planning permission to be granted.

17. Design and Access Statement.

The applicant highlights the public rights of way that are within the area as a beneficial amenity, however currently the means of connecting to these is by an informal footpath along the east side of the site. This path has been used by the community for over 20 years. We would propose that the applicant formalises a foot path from the north end of the new access road to the existing right of way that runs north of the site.

Hertfordshire County Council highways officer

The application comprises of the erection of residential development comprising of 15 dwellings (all matters reserved except means of access).

VEHICLE ACCESS

The application plans show a new vehicle access in the form of a simple priority junction that is located along the High Street of Kimpton that is designated as the B652 Classified Secondary Distributor road subject to a speed limit restricted to 30 mph.

The main internal access road is proposed at 5.50 metres wide which is complemented with 2.0 m footways each side of the carriageway that extends along the High Street and links in to the existing village network of footways and to the adjacent improved bus stop, the access has been designed to ensure good access for delivery and waste collection vehicles.

TECHNICAL AUDIT

The design of the simple priority junction at the High Street would have to be submitted to a scale of 1:200 to the highway authority and subjected to a Technical Audit and Stage One Road Safety Audit with the ultimate design being technically approved prior to commencement of the s278 works.

The width of the main access has been recommended at 5.50 metres wide with 6.0 metres radius kerbs this configuration would support two-way traffic and waste collection vehicles for the scale of the development.

The site access complies with 'Roads in Hertfordshire - Highway Design Guide' the internal road layout is not part of the planning permission and would be part of reserved matters application. The highway works are required to be constructed under a section 278 Highway Agreement.

The Developer should call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work being carried out.

ROAD SAFETY AUDIT - RSA

There have been no details in consideration of the new access that have been subjected to a Stage 1 Road Safety Audit.

The new junction and pedestrian access would be subjected to a Stage One RSA as part of the technical review process in order that a high standard of highway safety is provided, this is in conjunction with the impending s278 agreement.

HIGHWAY SAFETY – vehicle to vehicle inter-visibility along the highway from the New Development

The vehicle to vehicle inter-visibility from the access accords with sightlines at junctions within Manual for Streets.

MANOEUVRABILITY WITHIN THE ROAD LAYOUT

The geometry of the horizontal alignment of the road layout has not been subjected swept path analysis, but due to the scale of the geometry of the access it would be sufficient to accommodate two-way traffic for vehicles likely to serve the development, a waste collection vehicle 12.1 metres long can be accommodated within the internal road layout and at the junction with the adjacent High Street. The method of waste collection must be confirmed as acceptable by North Herts District Council waste collection agency.

TECHNICAL DESIGN OF THE ROAD LAYOUT

Hertfordshire County Council as Highway Authority considers that the details submitted showing the development layout with an acceptable road layout was provided and detailed to scale (1:200) on the s278 site layout drawings of the proposal to accord with the above comments this would be considered for compliance with highway safety.

However prior to commencement on site preliminary design details of the reconfigured vehicle access and improved access road should be provided to establish the technical design is to highway standards. An engineering drawing should be prepared drawn to a suitable scale of 1:200 to demonstrate the extent of re-profiling of the carriageway where the new access join the adjacent High Street, showing the access width, carriageway crossfalls and a scheme for the on-site and regulated discharge of surface water run-off drainage from the proposal.

Three copies of the preliminary design should then be submitted for approval to the highway authority where a in due course when progressing the s278 agreement a technical design check would also be carried out.

PARKING PROVISION

Parking provision for the development should be sited to comply with the walking distance found within Roads in Hertfordshire "Highway Design Guide" which is 20 metres. (Section 4 – Design Standards and Advice Chapter 9 – Vehicle Parking Facilities)

A careful balance must be struck between the desire of residents to park as near to their dwellings as possible and maintain the overall setting.

If residents consider that the parking spaces are too far away from their dwellings, they will park their vehicles on the adjacent roads which may cause an obstruction and prevent emergency vehicles reaching their destination and service vehicles such as waste collecting vehicles from gaining access.

It is inevitable that residents that do not have individual parking will not park in the prescribed areas and will park outside their homes on the main road.

PUBLIC TRANSPORT

RAIL

The nearest train station is Parkway Luton approx. 9 km to the west of the development, Welwyn Garden City, approx. 12 km south of the village while Knebworth station (9.5 km) and Welwyn North (10 km) stations are easily accessed by bus or car and link to London King's Cross and Hitchin and Stevenage via regular services.

BUS

Bus stops are located along the High Street, the development proposals would be part of the bus stop improvements and provision of a shelter and easy access kerbs to the east frontage of the site.

Walking and Cycling

Pedestrians have access to footways along the frontage of the site to connect to other parts of the village network.

The village centre and local facilities have a realistic access from the development by cycling albeit that there are no dedicated cycle lanes.

CONSTRUCTION TRAFFIC

Concerns over the impact that the volume of construction traffic travelling to the site by HCC has resulted in a planning condition being recommended to prepare a Construction Traffic Management Plan.

TRANSPORT IMPACT

Traffic data has been compared to the TRICS database to calculate the trips rates for the development to which demonstrate that as a result of the development proposals, there will be additional 2 two way vehicle trips to the site during the weekday AM and PM peak traveling periods.

It is demonstrated in comparison with the TRICS Database that the proposed development would not result in a significant increase in vehicle trips to the site.

Considering that traffic flows are fundamental to the assessment of traffic impact HCC is satisfied that the data produced provides an overall picture of the existing traffic movements and the future traffic generated from the new development.

HIGHWAY SAFETY

HCC research for road traffic collisions covering 5 year data revealed that there were no collisions within the vicinity of the site access.

TRAFFIC GENERATION

Given the proposal involves the provision of up to an additional 15 dwellings considering the data output from the TRICS Data base the total peak generation of traffic would be around a total of 8 vehicles arriving and departing from the development in the morning travelling peak hour (8:0 am to 9:0 am) and 8 vehicles arriving and departing from the development in evening travelling peak period (5:0 pm to 6:0 pm) this was compared with 0.5 trips taken per household (the figure of 0.5 trips taken from the TRICS Data base) the new traffic generation of vehicles is considered not to have a significant impact on the local highway network.

Traffic generation has been derived from the volume of predicted traffic generated compared with the likely trip rates obtained from comparable residential site within the national TRICS software, (Trip Rate Information Computer System) trip generation database with equal multi modal splits with a reasonable level of public transport accessibility. The new development has been assessed and has been accepted of being comparable and realistic.

The above data has been considered acceptable in traffic generation terms.

HCC have considered the TRICS software covering highway and traffic issues, this data was carefully scrutinized to establish the likely impact of the road network.

CONCLUSION

The Highway Authority considers that the development is in accordance with both the National and local Policies and its formal recommendation is that the grant of planning permission should be subject to the attached planning conditions as well as Applicant entering into a section 278 Agreement to cover the safety requirements as part of the application, construction, implementation and adoption of highway works within the existing public highway.

It is considered that this level of traffic would not result in a substantial traffic generation on the local highway network from the proposed development.

The above explains the position with the proposed development therefore Hertfordshire County Council as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the inclusion of the above highway informatives and recommended planning conditions.

Housing Supply Officer

Kimpton is an excluded village and Policy 5 – Excluded Villages, of the saved Local Plan applies. The site is not in the Green Belt and is within the proposed new village boundary. Kimpton is a Category A village, with one allocated site (the application site), KM3, which is expected to deliver 13 new homes.

Following the Cabinet meeting in September 2016, public consultation and the Council meeting on 11 April 2017, the affordable housing requirement is 35% on sites which will provide between 15 and 24 dwellings, in accordance with the proposed submission Local Plan.

The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals, in accordance with the 2018 NPPF.

Paragraph 61 of the NPPF says “Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)”.

Paragraph 62 of the NPPF says “Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a. off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b. the agreed approach contributes to the objective of creating mixed and balanced communities”.

A rural housing needs survey was undertaken in Kimpton by the Rural Housing Enabler from Community Development Action (CDA) Herts. in March 2019.

The results of the survey identified a need for 47 affordable dwellings; with 39 respondents indicating that their need for alternative housing was required immediately or within three years.

The recommendations of the survey were for the provision of 24 affordable dwellings to meet some of the immediate housing need identified. The recommendation included the provision of: 6 x 1 bed (including 2 x 1 bed sheltered/ adapted); 5 x 2 bed (including 3 x 2 bed sheltered/ adapted) and 2 x 3 bed for rent and 2 x 1 bed; 5 x 2 bed and 4 x 3 bed for shared ownership tenure.

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

Based on the provision of 15 dwellings overall, the affordable housing requirement would be 5 dwellings; 3 rented and 2 intermediate affordable housing tenure/ shared ownership.

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

- 21% x 1 bed flats (1)
- 12% x 2 bed flats (0)
- 26% x 2 bed houses (1)
- 35% x 3 bed houses (1)
- 6% x 4+ bed houses. (0)

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

- 8% x 1 bed flats (0)
- 8% x 2 bed flats (0)
- 20% x 2 bed houses (1)
- 54% x 3 bed houses (1)
- 10% x 4+ bed houses (0)

There is higher demand for smaller homes (one and two bedroom) for rent at 59%, and a higher demand for larger homes (three and four bed+) for intermediate affordable housing tenure/ shared ownership at 64%.

Based on the information above the affordable housing should comprise 2 x 2 bed houses and 1 x 3 bed house for rent and 1 x 2 bed and 1 x 3 bed house for shared ownership/ intermediate affordable housing tenure.

The applicant's affordable housing proposals include 4 x 2 bed houses and 1 x 3 bed house and I suggest one of the 2 bed houses is changed to a three bed house to meet the council's affordable housing requirements.

Subject to acquiring the site and obtaining planning permission, the road layout of the proposed scheme would not preclude the delivery of a rural exception site beyond the village boundary to further meet housing need identified in the 2019 survey.

All affordable homes delivered should be allocated to applicants with a local connection to the parish of Kimpton in the first instance.

The affordable homes should be owned and managed by a registered provider and should be physically indistinguishable from the market housing.

Where a need for affordable housing is identified the definition in Annex 2 of the 2018 Framework should be applied to the type of affordable housing required.

The definition for affordable housing includes housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/ or is for essential local workers);

Housing for rent (65% of overall affordable housing) includes Social Rent and Affordable Rent. Housing for Sale (35% of overall affordable housing) includes Starter Homes, Discounted market sale housing and other affordable routes to home ownership including shared ownership, shared equity and rent to buy.

The council will accept social rent and affordable rent for the rented tenure dwellings, but it should be noted that the affordable rent for one or two bedroom dwellings should be no more than 80% of the equivalent local market rent (including service charges, where applicable).

For three bedroom dwellings the affordable rent should be no more than 70% of the equivalent local market rent (including service charges, where applicable) to ensure affordability. All rents should also be within Local Housing Allowance (LHA) rates, in accordance with the council's Tenancy Strategy.

Staircasing on shared ownership homes will be restricted to 80% in accordance with The Housing (Shared Ownership Leases) (Exclusion from Leasehold Reform Act 1967) (England) Regulations 2009 which came into force on 07 September 2009. These regulations included the introduction of Protected Area Status for settlements currently exempt from the Right to Acquire (i.e. those with populations of less than 3000).

The nationally described technical housing standards provide the nationally recognised standards for bedrooms, storage and internal areas in new dwellings across all tenures and the affordable units are required to meet the nationally described housing space standards.

Whilst the LPA are duty bound to consider starter homes and discounted market sale for affordable housing, in accordance with the 2018 revised NPPF, there is currently no evidence of need/ demand available for this type of affordable housing in North Hertfordshire.

If the applicant proposes the provision of either of these products, they should provide documentary evidence of the need for this type of accommodation.

Grant funding for the provision of affordable housing is not available on S106 sites and any affordable homes should be delivered through planning gain alone.

The applicant will need to provide documentary evidence of any viability issues using a recognised financial toolkit, which the council will have independently assessed at full expense to the applicant.

Lead Local Flood Authority

Following a review of the Flood Risk Assessment and Drainage Strategy carried out by TPA reference 1808-23/FRA/01 A dated April 2019. We can confirm that we have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the principles of the submitted drainage strategy.

We acknowledge that an infiltration testing report has been submitted. It states that ground water was not encountered in any of the trial pits. It is also noted that the infiltration results observed would be acceptable. We acknowledge the recommendation that once the size, location and depth of the attenuation basin is known, the ground conditions are to be re-evaluated.

Currently the proposed drainage is split into 3 plots. It is noted that the drainage layout plan shows no indication of the proposed attenuation basin mentioned in Appendix C (Infiltration Testing Report) of the FRA, if there is no infiltration basin proposed it should be highlighted at the next stage of design.

In the North Western plots, the excess flows from the water butts will be stored in an attenuation tank and then discharged into the proposed adoptable piped system at a restricted rate of 2 l/s.

In the South Western plots, the excess flow from the water butts will be conveyed through a private piped network prior to being discharged into the proposed adoptable piped network system. The private drive associated to the south-western plots will discharge via infiltration into proposed permeable paving.

In the Eastern plots, the excess flows from the water butts will be conveyed into the proposed private surface water drainage system. The runoff from the private drive associated to each plot will be collected via gully and conveyed through the proposed private surface water drainage system into the adoptable piped network system.

From a review of historical flood incidents recorded by the LLFA, it is understood that groundwater plays a role in historical flooding that has occurred in Kimpton. We do not however have any records in the near vicinity of the site being subject to surface water flooding.

Regarding groundwater vulnerability and the need for appropriate management and treatment of surface water, the site is within Groundwater Source Protection Zone III -Total Catchment. The Environment Agency may wish to be consulted with regards to water quality.

We consider that outline planning permission could be granted to the proposed development if the following planning conditions is included as set out below.

Hertfordshire Ecology

Summary

Consistent with previous comments on this site, we have no concerns with the principle of development at this site.

Recommendations made in the current ecological assessment should be accommodated within any future full application.

A future application for Reserved Matters will need to be informed by an updated ecological assessment

A future application for Reserved Matters should be accompanied by a LEMP or similar that shows how a biodiversity net gain can be achieved

Full response

Thank you for your letter of 26 February 2021 which refers, and for consulting Herts Ecology; I apologise for the length of time taken to respond.

Fundamentally, we have no objections to the principle of development at this location. Confidence in this opinion is gained from the Preliminary Ecological Appraisal (MKA Ecology, 4 February 2019) submitted in support of this application. This appears to have followed best practice and although two years old, the lack of features of ecological importance ensures it remains valid for the purposes of this outline application.

Though the presence of the hedgerow (a Habitat of Principal Importance) and the general value of the site for foraging bats was noted, it describes a site of modest intrinsic nature conservation interest and there are no records on the Hertfordshire Environmental Record Centre that suggest otherwise. Indeed, it concluded that the development proposals provided the opportunity to improve the biodiversity value of the site, and I have no reasons to disagree with this.

However, this positive outcome was dependent on the implementation of nine recommendations made in Section 5 and summarised in Table 5. All are reasonable and proportionate and the inclusion of all in a future full application would grant it extra weight. Ideally, these should be presented in the form of a Landscape and Ecological Management Plan (LEMP) or similar that is submitted with a future application and not reserved for agreement as a condition. This should be accompanied by a lighting strategy that reduces lightspill onto existing boundary features (ideally to a maximum of 0.5 lux).

In order to meet the expectations of the NPPF, and both emerging legislation (the Environment Bill) and local policy (the North Hertfordshire Local Plan), the same document should also provide sufficient evidence of how a biodiversity net gain can be delivered (as suggested in the PEA) on- or off-site. Either of the latter two may have received Royal Assent or been adopted, respectively, by the time a future full application is made. At present however, a fixed percentage gain cannot be insisted upon.

Whilst the ecological survey is adequate for the purposes of this outline application, we recommend that a future application for Reserved Matters is accompanied by a new ecological assessment.

Whilst this should only be as detailed as is necessary, it should be sufficiently thorough to determine if any change has occurred and, importantly, take account of features beyond the red line boundary, such as mature trees that could support bat roosts that could in turn be affected by lighting. It will also be required to provide up to date evidence to support any proposals to deliver a biodiversity net gain.

Herts and Middlesex Wildlife Trust

Objection: Biodiversity net gain not proven. Ecological report not consistent with BS 42020 or CIEEM survey guidelines. No consideration of local or national planning policy.

The draft NHLP states:

'All development should seek to deliver net gains for biodiversity'

'Ecological surveys will be expected to involve an objective assessment of ecological value. Surveys should be consistent with BS 42020 Biodiversity- Code of Practice for Planning and Development.

NPPF states:

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

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

In order to objectively claim that the development delivers net gain, it should employ the DEFRA biodiversity metric.

This is the most objective way of assessing net gain on a habitat basis. It assesses ecological value pre and post development and has been upheld by the planning inspectorate as an appropriate mechanism for achieving the ecological aims of NPPF. Its use to determine net gain is advocated in govt planning guidance on the Natural Environment to prove net gain: <https://www.gov.uk/guidance/natural-environment>.

This score plus 10% must be exceeded by the proposal to claim net gain. If the site is incapable of achieving this score on site then offsite compensation must be provided. A biodiversity offset, or an agreement to provide one, must be provided for the requisite amount. All habitats both present and future must be fully described in accordance with technical guidance to demonstrate that net gain can be achieved and how. The full metric in its excel form should be supplied to enable verification.

BS 42020 states:

'8.1 Making decisions based on adequate information

The decision-maker should undertake a thorough analysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account:

h) Whether there is a clear indication of likely significant losses and gains for biodiversity.'

The ecological report does not do this. It does not provide a clear, objective indication of losses and gains by reference to the metric. The application should not be approved until it does so.

The preliminary ecological report is not consistent with the requirements of NHLP, NPPF or BS 42020. The object of an ecological report should be to demonstrate compliance with local and national policy on biodiversity. This report does not do this and fails to consider the application in relation to local or national policy.

















The draft local plan also contains a requirement for a 12m buffer to all hedgerows and priority habitats. This application does not do this and so is not compliant with the local plan.

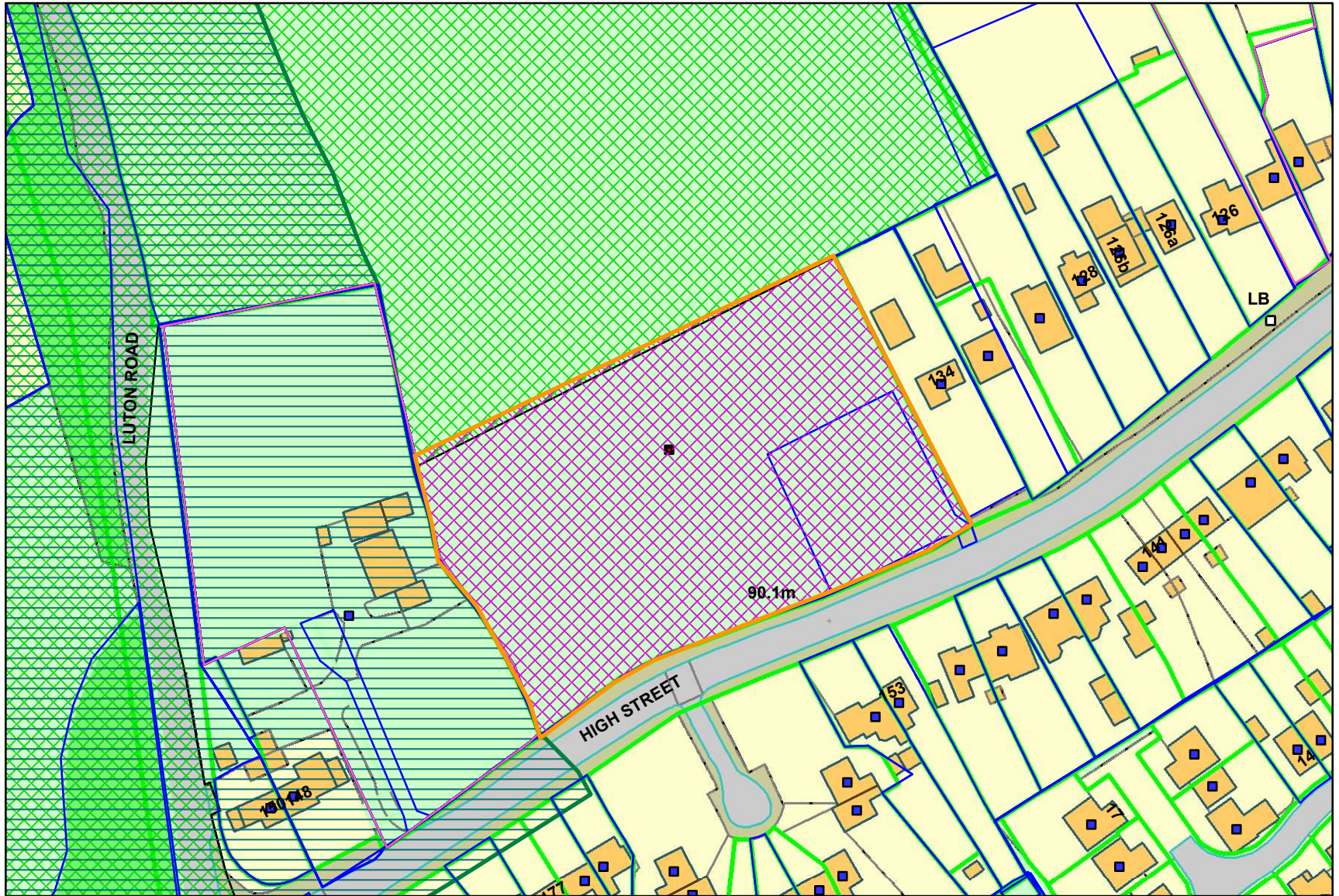
Finally, the report is a preliminary survey. The CIEEM guidelines on PEA states:
'1.5 Under normal circumstances it is not appropriate to submit a PEA in support of a planning application.'

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

21/00541/OP Land Between 134 and 148 High Street, Kimpton, Hertfordshire, SG4 8QP

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



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