

12 July 2024

Our Ref Planning Control Committee 25 July 2024
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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, GERNO
ROAD, LETCHWORTH GARDEN CITY, SG6 3JF**

On

THURSDAY, 25TH JULY, 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
<p>1. APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting.</p> <p>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.</p>	
<p>2. MINUTES - 20 JUNE 2024 To take as read and approve as a true record the minutes of the meeting of the Committee held on 20 June 2024.</p>	(Pages 5 - 12)
<p>3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.</p> <p>The Chair will decide whether any item(s) raised will be considered.</p>	
<p>4. CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.</p>	
<p>5. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.</p>	
<p>6. 19/01669/FP - LAND ON THE SOUTH WEST SIDE OF STEVENAGE ROAD, ST IPPOLYTS, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</p> <p>Erection of 14 dwellings including new vehicular access off Sperberry Hill (serving 10 dwellings) and new vehicular accesses off Stevenage Road (serving 4 dwellings) (as amended by plans received 13/11/23, 03/06/24 and 17/06/24)</p>	(Pages 13 - 48)

7. **23/00186/FP - LAND OFF MILKSEY LANE, GRAVELEY, HERTFORDSHIRE** (Pages 49 - 72)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Residential development comprising of 26 dwellings including creation of vehicular access off High Street and associated parking, drainage, landscaping and amenity space.
8. **23/01885/FP - LAND AT POLICE ROW BETWEEN THE GRANGE AND 1 THE GRANGE, POLICE ROW, THERFIELD, HERTFORDSHIRE** (Pages 73 - 108)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of 10 dwellings (6 x 3-bed, 3 x 4-bed and 1 x 5-bed) including creation of vehicular access off Police Row, associated garaging, landscaping, drainage infrastructure and ancillary works (as amended by drawing nos. JBA 23_231 01, JBA 23_231 02, 19251-100A; -101B; -102B; -103B; 104C; -106C; -110B; -113B and -114B received on 09/02/2024, drawing no.SK04 received on 13/05/2024, drawing nos. 19251 - 107D; -1001G; -1002F; -1003F; -1005C received on 17/06/2024, and drawings nos. 19251 - 105D; -111B and -112D received 25/06/2024, drawings nos. 1925 - 1004F received 27th June 2024; and drawing -19328-THER-5-SK001-E received 3rd July 2024).
9. **23/02948/FP - LAND NORTH OF 2 MILLERS CLOSE, PICKNAGE ROAD, BARLEY, HERTFORDSHIRE** (Pages 109 - 126)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Terrace of three 3-bed dwellings including creation of vehicular access off Picknage Road, parking and landscaping.
10. **PLANNING APPEALS** (Pages 127 - 136)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- To update Members on appeals lodged and any decisions made.
11. **CURRENT ENFORCEMENT NOTICES** (Pages 137 - 140)
 INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER
- To provide Members with a regular update on Planning Enforcement.
12. **EXCLUSION OF PRESS AND PUBLIC**
- To consider passing the following resolution: That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the said Act (as amended).
13. **CURRENT ENFORCEMENT ACTIONS** 141 - 144
 INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER
- To update Members on the active enforcement cases.

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY, SG6 3JF
ON THURSDAY, 20TH JUNE, 2024 AT 7.30 PM

MINUTES

Present: *Councillors: Elizabeth Dennis (Chair), Nigel Mason (Vice-Chair), Amy Allen, Sadie Billing, Ruth Brown, Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Tom Tyson and Joe Graziano.*

In Attendance: *Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), Thomas Howe (Planning Officer), Caroline Jenkins (Committee, Member and Scrutiny Officer), Kerrie Munro (Locum Planning Lawyer), Alina Preda (Trainee Solicitor) and Sjanet Wickenden (Committee, Member and Scrutiny Officer).*

Also Present: *At the commencement of the meeting approximately 3 members of the public, including registered speakers.*

Councillor Alistair Willoughby was in attendance as Member Advocate.

13 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 54 seconds

Apologies for absence were received from Councillor Michael Muir.

Having given due notice Councillor Joe Graziano would substitute for Councillor Michael Muir.

14 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minute 12 seconds

There was no other business notified.

15 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 17 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair clarified matters for the registered speakers and advised that as there were two applications each with a listed building consent application, as well as a main planning application. Due to this there would be one presentation for each application covering both issues and speakers would be provided 10 minutes speaking time. Voting would take place individually on each item.

- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.
- (5) A Delegated Decision was published in the Members Information Service on the 14 June 2024, regarding the Labour and Cooperative membership on the Planning Control Committee, therefore Councillors Amy Allen and Ian Mantle became full Committee Members and Councillor Sean Nolan a reserve member.
- (6) The Chair confirmed that the Planning Appeals listed on the Planning Control Committee Agenda for 13 June 2024 had been included for consideration at this meeting.

16 PUBLIC PARTICIPATION

Audio recording – 7 minutes

The Chair confirmed that the registered speakers were in attendance.

17 24/00181/FP THE GEORGE AT BALDOCK, HITCHIN STREET, BALDOCK, HERTFORDSHIRE, SG7 6AE

Audio Recording – 7 minute 27 seconds

The Planning Officer gave a verbal update and advised that:

- The Applicant was informed of pre-commencement conditions and had since provided the planning officer with some of the information, required by the conditions.
- The hours pre-commencement condition requiring opening times was replaced with a condition that the opening hours be 9am to Midnight from Monday to Sunday. Environmental Health were consulted and approved these hours and unless a variance of the application was received then they would not need to reconsider the opening hours.
- The Agent had supplied the Planning Officer with the sound proofing details and they were sent to Environmental Health who confirmed they were acceptable. The Conservation team had not been consulted and therefore this condition had been moved to the listed building consent to ensure there were no detrimental impacts from sound proofing.
- An updated floor plan had been added with a commercial bin storage area highlighted.
- The floor plan and sound proofing details were distributed via ModGov, which would supersede the original floor plan.
- The material samples condition stands and had not changed.
- A request was made by the Agent that the joinery details condition be updated to change this from a pre-commencement condition to 'prior to any work on windows or doors'.

The Planning Officer presented the report in respect of Application 24/00181/FP and 24/00182/LBC supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Tom Tyson
- Councillor Louise Peace

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

- The large white canopy with two double doors would be the main entrance to the restaurant and the smaller single door as the entrance to the cheese and wine bar.
- There was currently no permitted change from a hotel to residential.

The Development and Conservation Manager confirmed that there was no permitted change of use from hotels to residential dwellings. Whilst there was permitted change of use from Class E to residential dwellings it was not applicable in this case because the building was listed.

The Chair invited the Member Advocate Objector, Councillor Alistair Willoughby to speak against the application. Councillor Willoughby thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The plan says buildings cannot be used if they will cause serious harm or damage to the heritage sight but due to this building being vacant for a longer period the benefits to the public outweighed the damage to surroundings.
- There was a lack of viability testing for the restaurant, the cheese and wine bar or for the third section that would be taken out of commercial use.
- A third retail or hospitality site should take the remaining space.
- Originally there was discussion of a stairway being necessary for access to electrical and boiler, with the staircase being in the restaurant, but that had changed and now it was said that there is access already via the communal spaces.
- The space should have been offered to local businesses and should have prioritised economic and productive growth for the community.
- There was no on-site parking, there was only timed or permitted and residential parking.
- There was a risk of removing local businesses and making Baldock a 'dormitory town'.

The following Members asked points of clarification:

- Councillor Ruth Brown
- Councillor Nigel Mason
- Councillor Elizabeth Dennis
- Councillor Tom Tyson

In response to the points of clarification, Councillor Alistair Willoughby advised that:

- The third area was being lost to hospitality as hotels were not considered hospitality.
- The people who used the hotel stay for at least a month meaning they were not providing tourism but rather in the area for work, so they would not provide as much benefit to the local area.
- Church Street had time limited parking Monday to Saturday and Hitchin Street also has time limited parking. There was no on street parking that would be suitable for the duration of time the venue would need. The only available parking nearby was for residential use.
- There was only one car park that was roughly a 10 – 15-minute walk so not within convenient distant.
- Overnight parking was only available after a certain time and cars would need to be moved early in the morning before parking restrictions applied. Additionally, those spaces were competitive.
- There were general concerns through talking to residents about the location losing retail space due to an ongoing issue of restaurants and local businesses closing.

The Development and Conservation Manager advised that there was no definition for of hospitality in planning, as such, but the local plan identifies town centre uses and this includes hotels.

The Chair invited the Agent, Mr James Gran to speak in support of the application. Mr Gran thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The current use of the venue as a restaurant was seen as too large following feedback hence the application to put a second venue alongside it.
- The front seating was always the most popular and the rear seating where the venue would be, was always the quietest.
- The proposed contractor had been in constant discussion and communication with the applicant about leasing this new unit.
- The proposal does reduce the overall commercial area but leaves it a viable size for operators to take on. They would still have 165 square feet of floor space.
- With the ground floor reopening there would be more employment opportunities.
- There would be four further hotel rooms added to the ground floor of the building, advertised as accessible rooms.
- Only two windows need to be added to the rear of the hotel ground floor to make the additional rooms viable.
- Due to two-hour restrictions, it was difficult during the daytime to have sit down meals and so owners must look at feasibility and sticking to evening trade to ensure profit, whilst considering rent and bills.
- There were no public objections to the application.
- The long-term customers would still need to spend money in town for food and supplies so they would be contributing whether they were long term or short-term guests.

The following members asked points of clarification:

- Councillor Ruth Brown
- Councillor Sadie Billing
- Councillor Tom Tyson
- Councillor Joe Graziano
- Councillor Louise Peace
- Councillor Elizabeth Dennis
- Councillor Caroline McDonnell
- Councillor Emma Fernandes

In response to the points of clarification, Mr Gran advised that:

- There were twenty existing rooms in the hotel.
- The accessibility access was the ground floor access and not wet rooms or special designs in the hotel rooms themselves.
- There were no plans for specific disability allowance for the venue inside the hotel.
- There was a prospective operator who were very keen to take on the unit. There had been several companies expressing interest in taking up the restaurant as well.
- There was no projected footfall data pre and post only general footfall without data.
- There were people who seek and get longer term accommodation and others that were at the hotel for a short term. Medium to long-term meaning three to four weeks at a time.
- There was consideration of a third retail opportunity, but it was dismissed due to there being massive alterations to the building to create another frontage, or they could keep the main layout without major alterations and add more disability access hotel rooms instead.
- There were currently no plans for a reception on the ground floor so would use a self-check in system where staff would be alerted to assist guests would be used.
- There was a laundry utility space for the hotel but there would be no access for guests.
- The hotel would not offer complimentary breakfast or meals so if they would like to eat at the restaurant, they would need to discuss accessibility with them.

N.B. Councillor Amy Allen entered the Chamber at 20.21.

The Chair noted the arrival of Councillor Amy Allen and advised that section 4.8.23(a) of the Constitution applied to this meeting, therefore Councillor Allen would be unable to take part in the vote on this item.

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

- There was no normal tenure for stay in hotels if it didn't exceed a month.
- It was not allowed to get an additional service out of the hotel, and it would be enforceable if they were.
- The stud wall was seen favourably by the Conservation Officer as it was easy to undo, and that bringing a listed building back into use after more than three years of inactivity would be good.
- The project was acceptable in principle from a planning perspective and from a heritage perspective, the Conservation Officer considered the internal alterations and the changes of use to be acceptable.
- There were sufficient and sustainable transport options to the site.

Councillor Ruth Brown proposed to approve planning permission and Councillor Tom Tyson seconded.

The following members took part in debate:

- Councillor Joe Graziano
- Councillor Nigel Mason
- Councillor Sadie Billing
- Councillor Tom Tyson
- Councillor Louise Peace

Points raised in debate included:

- With no elevator to the rest of the floors, it would not be possible for a party of 5 or more disabled individuals to stay at the hotel.
- Even with concerns around parking there were no ground to reject, due it being suitable and fitting all requirements and it would help make use of a town centre building.
- There was no reference on parking if people are at the hotel long term or short term and then others want to park too to attend the cheese and wine bar, the feasibility is not shown in any report.
- The policies support this venue, but it would also be good for the community of Baldock, and that feelings and inferences were not a suitable reason to deny.
- Assurances that the rooms could not be kept for over a month was reassuring and would prevent the hotel becoming bed sit in nature.

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

RESOLVED: That application 24/00181/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with the removal of Conditions 4 and 5 and the following amendment to Condition 3, to read:

Condition 3

The opening hours of the Restaurant (Use Class E) and Retail bar units, (Use Class E)A hereby permitted shall only be permitted between 09:00 hours and midnight hours Monday to Sunday.

Reason: To protect the residential amenities of existing residents and to comply with the provisions of policy D3 of North Herts Local Plan 2011-2031."

18 **24/00182/LBC THE GEORGE AT BALDOCK, HITCHIN STREET, BALDOCK, HERTFORDSHIRE, SG7 6AE**

Audio Recording – 1 hour 13 minutes 10 seconds

Councillor Ruth Brown proposed to approve the planning application and Councillor Tom Tyson seconded and, following a vote, it was:

RESOLVED: That application 24/00182/LBC be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with the following amendment to Condition 3, to read:

“Condition 3:

Full joinery details of the proposed new timber doors (internal) and windows to a metric scale and 1:1 scale drawings of the proposed glazing bars hereby granted consent, shall be submitted to and agreed, in writing, by the Local Planning Authority before any works commence to alter internal doors or external windows.

Reason: To safeguard the character and appearance of the listed building to which this consent relates and to comply with Policies SP13 and HE1 of the North Hertfordshire Local Plan 2011 to 2031.”

19 **24/00537/FP 31 HITCHIN STREET, BALDOCK, HERTFORDSHIRE, SG7 6AQ**

Audio Recording – 1 hour 14 minutes 57 seconds

The Senior Planning Officer gave a verbal update and advised that there was no mention of the Baldock Neighbourhood Plan as none of the policies were relevant to the application.

The Senior Planning Officer presented the report in respect of Application 24/00537/FP supported by a visual presentation consisting of photographs and plans.

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

- Whilst the application was on hold for three years, a local plan had been adopted which has come with many changes to the area, meaning the application must take into consideration all the new impacts on it.
- Converting a commercial space into residential would lead to less income for the community and fewer jobs, threatening the viability.
- There was no need for more houses in the area, and the current commercial use was successful so why stop it.
- The report stated that there had been several ownership changes in recent years which indicated that the business was unsuccessful, but it was unclear where this view had come from.
- There was a better opportunity for the town if the space was changed into a commercial use again rather than into a residential use.

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

- The location was on the edge of the town centre and so footfall was limited in the area meaning people attending a shop there was unlikely.

- The size of the space was also impractical for the running of a restaurant as the premises could only fit 18 covers.
- The Licensing Committee had imposed restrictions regarding music, windows and acoustic separations which made it difficult to run a bar on the site.
- The acoustic separation of the ceiling to limit the noise upstairs meant that the ceiling was lower and reached head height.
- There had been no public objections to the application
- There had been no commercial interest and the owner has lost money due to no one taking up the place for commercial use.

In response to a point of clarification from Councillor Tom Tyson, Mr Gaskell advised that:

- There had been no interest indicated in this building being taken over as an Asset of Community Value.
- The license had lapsed but the license was on the property not the owner.
- Additionally, the agent was informed that it was unlikely the license would be granted again due to how residentially surrounded it is.
- The Chair thanked Mr Gaskell for his presentation and invited the Senior Planning Officer to respond to any points raised.

The Senior Planning Officer advised that the previous decision for this application was considered under saved policies of the previous Local Plan and emerging policies of the now adopted Local Plan. In the current Local Plan development section it states that they have taken all material considerations into account, alongside the important factor of bringing a listed building back into some kind of reasonable use.

Councillor Ruth Brown proposed to approve planning permission and Councillor Amy Allen seconded.

The following members took part in the debate:

- Councillor Nigel Mason
- Councillor Elizabeth Dennis
- Councillor Amy Allen
- Councillor Tom Tyson

Points raised in the debate included:

- Majority of the roads around this premises had a lack of stores or commercial properties.
- There were pubs, shops, and other small local businesses closer to the nearby roundabout meaning there was not a need for a store.
- The use of this property as residential dwellings was better for the neighbourhood and the building itself.
- A one-bedroom accommodation would be difficult to find especially near town centre, so this would be sort after.

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

RESOLVED: That application 24/00537/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

20 24/00538/LBC 31 HITCHIN STREET, BALDOCK, HERTFORDSHIRE, SG7 6AQ

Audio Recording – 1 hour 37 minutes 15 seconds

Councillor Ruth Brown proposed to approve and Councillor Sadie Billing seconded and, following a vote, it was:

RESOLVED: That application 24/00538/LBC be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

21 PLANNING APPEALS

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

- Five appeals had been lodged since April through written representations procedure.
- The Committee was informed of the three appeals procedures; the written procedure where there was an exchange of written statements, the hearing procedure which was an exchange of written procedures and a hearing presided over by an inspector with round table discussion, and public inquiry which was a semi judicial process that involves barristers and cross examination and re-examination of expert witnesses.
- The appeals were modest scale developments and the majority had been refused.
- The matters of the appeals related to the Green Belt, character and appearance, and effect upon a neighbour.
- The Council had been notified of the intention to submit an appeal through the public inquiry procedure and if that appeal was lodged it would be reported at the next meeting. It related to the residential development at Rhee Spring in Baldock put in by Chalkdene.
- The reason for refusal was related to failure to deliver the required amount of affordable housing, as they were offering two units, significantly less than the required 40%.

RESOLVED: That the Committee noted the report.

The meeting closed at 9.13 pm

Chair

<u>Location:</u>	Land West Of Ryefield Stevenage Road St Ippolyts Hertfordshire
<u>Applicant:</u>	Valais Ltd
<u>Proposal:</u>	Erection of 14 dwellings including new vehicular access off Sperberry Hill (serving 4 dwellings) and new vehicular accesses off Stevenage Road (serving 10 dwellings) (amended plans received 12/01/2023 and 15/08/23)
<u>Ref. No:</u>	19/01669/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

9 October 2019

Extension of statutory period:

31 March 2020

Reason for referral to Committee:

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

1.0 **Relevant Site History**

1.1 01/00348/1 - 5 Detached dwelling houses (Outline Application - All matters reserved) - Refused 31/05/01 for:

1. The proposed dwellings are in an area that is designated in the approved County Structure Plan Review 1991-2011 and the North Hertfordshire District Local Plan No 2 with Alterations as Green Belt. Within that area there exists a general presumption against new housing development. In the view of the Local Planning Authority the nature of the proposal does not justify that strong presumption being overridden. Additionally, the proposal would be viewed as encroaching into the surrounding countryside, thereby having an adverse impact from the visual amenities and landscape of this part of the Green Belt contrary to paragraph 1.5 of Planning Guidance Note 2 (Green Belts).

Appeal dismissed 26/10/01.

1.2 90/01554/1 - Outline Application for three detached dwellings – Refused 09/07/91.

Appeal dismissed.

2.0 **Policies**

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

Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP6: Sustainable Transport
Policy SP7: Infrastructure requirements and developer contributions
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP10: Healthy communities
Policy SP11: Natural resources and sustainability
Policy SP12: Green Infrastructure, landscape and biodiversity
Policy SP13: Historic Environment

Policy T1: Assessment of Transport matters
Policy T2: Parking
Policy HS1: Local Housing Allocations
Policy HS2: Affordable housing
Policy HS3: Housing mix
Policy HS5: Accessible and adaptable housing
Policy D1: Sustainable Design
Policy D3: Protecting living conditions
Policy D4: Air Quality
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE6: New and improved open space
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE11: Contaminated land
Policy HE1: Designated heritage assets
Policy HE4: Archaeology
Policy SI2: Land south of Stevenage Road

2.2 **National Planning Policy Framework**

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

2.3 **Supplementary Planning Documents**

Developer Contributions SPD (2023)

3.0 **Representations**

3.1 **Neighbouring Properties:**

The application has been advertised via neighbour notification letters, the display of a site Notice, and a press notice. At the time of finalising this report, 20 objections in total had been received, for the original and later amended plans. The objections received were on the following grounds:

- Providing vehicular access from Stevenage Road. It's a single track road with no pavement, busy at peak times.
- Stevenage Road can't support more traffic. Has a school and children using it.
- It would make most sense for all vehicular access to be via Sperberry Hill.
- Pedestrian walkways for the whole area need attention.
- Stevenage Road access onto Sperberry Hill closed in 1976 due to increased traffic and safety issues.
- All construction traffic should be via Sperberry Hill. Disruption elsewhere in the village from other building work.
- Sperberry Hill is a rat run and would need to be widened. Potential damage.
- Height of dwelling overlooking Lannacombe.
- Double storey garages should be single level.
- Predict our fences will be damaged.
- Would like new planting to conceal the dwellings.
- Plans don't show right of way to Lannacombe and other houses.
- Local schools all oversubscribed.
- No indication that the houses would be energy efficient.
- Amendments not satisfactory due to traffic and safety concerns.
- Notification letter inadequate.
- No objection in principle.

Consultees

3.2 **Parish Council**

There is a need to consider the installation of rooftop solar, speed limit lowered to 30mph on Sperberry Hill and tree planting to adjacent property for privacy.

It is noted all the dwellings will be heated by air source heat pumps.

3.3 **HCC Growth and Infrastructure**

Based on the information to date for the development of 14 dwellings we would seek financial contributions towards the following projects:

Primary Education towards the expansion of St Ippolyts Primary School and/or provision serving the development (£161,066 index linked to BCIS 1Q2022)

Secondary Education towards the expansion of The Priory Secondary School and/or provision serving the development (£214,533 index linked to BCIS 1Q2022)

Childcare Service towards St Ippolyts Primary School and/or provision serving the development (£228 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 (£19,681 index linked to BCIS 1Q2022)

Library Service towards increasing the capacity of Hitchin Library and/or provision serving the development (£3,718 index linked to BCIS 1Q2022)

Youth Service towards the delivery of a new centre serving Hitchin and the surrounding area and/or provision serving the development (£6,218 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.

3.4 Herts County Council highways officer

(E-mail 27 June 2024)

I've reviewed the revised tracking and they're satisfactory.

I'll look to put together the approval with conditions.

(Comments 14 November 2023)

Full comments are in Appendix 1 to this report.

Recommends that permission be refused.

3.5 Waste Officer

No objections.

3.6 Housing Supply Officer

The affordable housing requirement is 25% on sites which will provide between 11 and 14 dwellings, in accordance with the Local Plan.

Based on the provision of 14 dwellings, 25% affordable housing equates to 4 affordable dwellings. Within the overall affordable housing the council requires a 65% rented / 35%

intermediate affordable housing tenure split, in accordance with the and the council's Developer Contributions SPD, supported by the 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update. So three affordable units for rent and one for intermediate affordable tenure/ shared ownership.

A rural Housing Needs Survey (HNS) was undertaken in St Ippolyts in 2012. We consider that HNSs have a 5-year life span, so this could now be considered very out of date.

The HNS identified a need for 18 units over a five year period; including a mix of mainly one bedroom and two bedroom homes and one x three bedroom house predominately for rent. The HNS concluded that a scheme of 9 dwellings: 3 x 1 bedroom; 5 x 2 bedroom and 1 x 3 bedroom homes could be considered to meet immediate housing need.

Following my advice of 18th May 2023 the applicant is proposing the affordable housing provision of 2 x 2 bed houses, 1 x 2 bed bungalow and 1 x 3 bed house, with access to all 4 dwellings from Stevenage Road (not Sperberry Hill as indicated above).

3.7 Hertfordshire Ecology

No objections. Full comments are in Appendix 1 to this report.

3.8 Lead Local Flood Authority

A Flood Risk and Drainage Technical Note was submitted to respond to comments, which includes an updated drainage layout that incorporates an infiltration basin to provide additional storage, amenity and biodiversity benefits. The LLFA is satisfied that the drainage strategy proposed is suitable and recommend conditions if the application were to be approved.

3.9 NHC Grounds Maintenance Green Spaces

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

Suggests that the Parish Council also seek an off-site contribution towards the upgrading of their local play area due to the increased demand this development will bring to the locality.

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

3.10 Environmental Health Noise

No objection.

3.11 Herts County Council Archaeology

No objections. Full comments are in Appendix 1 to this report.

3.12 Environmental Health Land Contamination

No objection.

3.13 Herts CC Minerals and Waste

No objection.

3.14 Environmental Health Air Quality

No objection.

3.15 Anglian Water

No objection.

3.16 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.

3.17 HCC Fire and Rescue

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.

3.18 Urban Designer and Landscape Architect Planning Policy NHDC

Full comments are in Appendix 1 to this report.

3.19 Herts and Middx Wildlife Trust

Objection. Full comments are in Appendix 1 to this report.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is approx. 1.2 ha in size, in the south-east of St Ippolyts. The site is not in use for any purpose, was former nursery land (stated in the appeal decision of 01/00348/1) and is largely overgrown (it was also the case when 01/00348/1 was under consideration). Ground levels fall gradually from west to east. The south and east boundaries are comprised of continuous trees and vegetation. The north and west boundaries are comprised of smaller numbers of trees, 1.8m close-boarded fencing, and lower vegetation.

- 4.1.2 The site lies between two public highways to its north and south (Stevenage Road, and Sperberry Hill, respectively). A public footpath runs along the east side of the site and connects the two above public highways. Stevenage Road is narrow for much of its length, with pedestrian footways approx. 330m to the NW. Vehicular access from Stevenage Road to Sperberry Hill is closed by barriers near dwelling Ryefield to the east.
- 4.1.3 The site is adjacent to two storey dwellings to the east, west and north. To the NE is the Wymondley Electrical sub-station. To the south is an agricultural field. The site is allocated Housing Site SI2 within the settlement boundary of St Ippolyts and Gosmore, which is a Category A village in the Local Plan.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for:

Erection of 14 dwellings including one new vehicular access off Sperberry Hill (serving 10 dwellings) and one new vehicular access off Stevenage Road (serving 4 dwellings).

- 4.2.2 The development would be wholly within the area of Local Plan housing site allocation SI2. It would have one vehicular entrance off Sperberry Hill, allowing access to 10 of the dwellings. One vehicular entrance is proposed off Stevenage Road to access the other 4 dwellings. Internally, the dwellings would be largely arranged around an area of public open space and SuDS drainage basin in a central area of the site, with the outer 5 dwellings nearer the footpath and Stevenage Road. The five southern dwellings would be accessed by internal roads branching off the main road.
- 4.2.3 The dwellings would all be two storeys, apart from Plot 14 which would be a bungalow. All dwellings would have pitched roofs. Ten of the dwellings would have detached double garages with pitched roofs, with the garage for Plot 4 including first floor workspace accommodation with two front dormers. Four of the dwellings would have sheds in their rear gardens.
- 4.2.4 The dwelling mix is proposed to be 10 market units, and 4 affordable units. The 10 market units would comprise nine 4 bed units, and one 5 bed unit. The affordable units would comprise two 2 bed houses, one 2 bed bungalow, and one 3 bed house. Three of the affordable units would be for rent, and one for intermediate affordable tenure/shared ownership.
- 4.2.5 The dwellings and garages would all have pitched gabled roofs. External materials are proposed to be a mix of red bricks and buff stock bricks, with the red brick dwellings having brown tiles, and the buff brick dwellings having grey tiles.
- 4.2.6 The development would include new hard and soft landscaping, with new trees and other planting throughout the site. Some trees and vegetation at the front and rear of the site would be removed to build the accesses and provide visibility. An area of public open space including a Local Area for Play (LAP) and SuDS infiltration basin would be located centrally within the site. Smaller strips of landscaping and planting would be spread around the site. The public footpath will be re-aligned and upgraded to provide an improved surface and new external lighting. A fenced pedestrian access route to dwelling Lannacombe would be provided in the northern part of the site.

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

- The principle of the proposed development in this location.
- The design of the proposed development and its resultant impact on the character and appearance of the area;
- The effect upon archaeology;
- The effect upon living conditions of occupiers of neighbouring properties;
- Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings;
- The acceptability of the proposed development with regards to parking, sustainable transport, and impacts on the public highway
- The quality of landscaping proposed and the impact the proposed development would have on trees.
- The impact that the proposed development would have on ecology and protected species.
- The impact of the proposal on drainage and flood risk; and
- The appropriateness of the planning obligations proposed.

Principle of Development:

4.3.2 The site lies within the settlement boundaries of St. Ippolyts as defined by the Local Plan and is allocated for residential development. Local Plan (LP) Policy SI2 allocates the site for an estimated of 12 homes and sets out the following criteria:

- Archaeological survey to be completed prior to development;
- Trees should be incorporated into the design of the development;
- Maintain the existing right of way through the site; and
- Appropriate noise mitigation measures, to potentially include insulation and appropriate orientation of living [accommodation].

In addition, Policy SP2 of the Local Plan designates St Ippolyts is a Category A village, where general development will be allowed within village boundaries. On this basis, the development that is proposed is acceptable in principle as it complies with LP Policy SP2 of the recently adopted Local Plan. LP Policy SI2 sets out several criteria and these are considered under several of the subject headings below.

Character and appearance, layout, size, scale and design, and archaeology:

4.3.3 The proposal would result in new residential development on undeveloped land, which would change its character and appearance significantly through urbanisation. However, the application site is allocated for housing and is within the settlement boundary of St Ippolyts, where new housing development is permitted by the relevant LP policies and is also required to deliver new housing by Policy SP8. The urbanisation of the site is therefore considered acceptable due to these policies.

4.3.4 The application proposes 14 dwellings, which is 2 dwellings more than the dwelling estimate of 12 homes for Policy SI2 and is a 16.6% increase on that figure. Policy HS1 a) states that development on allocated housing sites such as SI1 should broadly accord with the indicative number of homes shown. 'Broadly' is not defined in the Local Plan,

therefore the number of dwellings for an allocated site could be more or less than a dwelling estimate. Para. 8.3 (supporting text of HS1) of the Local Plan states, “*we will take a design-led approach to each site as schemes are brought forward. This may result in housing numbers changing in response to the pre-application and planning application process and our policy approach allows for development to fall within a reasonable range of our initial expectations*”.

- 4.3.5 Therefore, whilst the proposed number of dwellings is slightly higher than the estimate for the site in LP Policy SI2, this does not render the proposed development unacceptable or result in conflict with LP Policies HS1 and SI2.
- 4.3.6 The density of the proposed development would be 11.6 dwellings per hectare within the site, and slightly higher if the undeveloped strips on the south and east of the site are excluded. This is a low density for a new housing scheme. However, the density of the dwellings to the north and west of the site between Stevenage Road and Sperberry Hill (with Churchfields and Gaddesden used as the westernmost of these dwellings) is approx. 6.6/ha, which is a very low density and inefficient density. This density would increase to 9.4/ha if the three dwellings west of the site were excluded and would be higher still if only counting Nos. 1 to 6 The Glebe Stevenage Road north of the site. The density of the proposal is overall considered contextually appropriate in St Ippolyts and is acceptable.
- 4.3.7 The overall layout of the proposed development would be like that of a cul-de-sac, not dissimilar to nearby cul-de-sac East View a short distance to the NW of the site. Plot 14 would follow the line of the front of Nos. 1 to 6 The Glebe with a similarly sized plot, with Plots 11 to 14 considered to be of a pattern and grain similar to nearby dwellings on Stevenage Road to the NW.
- 4.3.8 The layout of the development would relate well to the shape of the site and maintain the trees and footpath on its south and east sides. All of the proposed dwellings apart from three would be detached, and they would be spaced out within the site such that the spacious character of the of this part of St Ippolyts.
- 4.3.9 The proposed SuDS infiltration area and the main area of public open space are in acceptable locations which will enable the built form of the development to be largely built around them. The location, design, and integration of these areas into the development will also help to provide a sense of place. The proposed dwellings would be located a sufficient distance from the boundaries of the site to avoid appearing cramped, to provide space for soft landscaping, which would minimise the visual impacts of the development when viewed from Sperberry Hill.
- 4.3.10 The sizes of the individual plots would vary; however, it is considered that they would be comparable to plots of dwellings to the north and NW, which also vary. The dwellings are not considered to appear cramped in their individual plots due to the amount of spacing proposed around and between them.
- 4.3.11 The dwellings would all be detached, apart from Plots 11 to 13, which is considered in keeping with the character of the locality where there are primarily a mix of detached and semi-detached nearest the site, albeit there are some terraced dwellings in East View further away to the north. The dwellings would all be two storeys, apart from Plot 14 which would be a bungalow, which is also considered in keeping with the locality which is primarily of two storey dwellings with a few bungalows. The dwelling mix would be 21%

smaller units (1 or 2 beds) and 79% larger units (3+ beds), which is considered acceptable in this location, reflecting the rural character of the locality, where there are numerous larger detached dwellings nearby.

- 4.3.12 The footprints and floor spaces of the dwellings are considered comparable to other nearby dwellings and are acceptable. The bungalow would have a height of approx. 5.3m, the two storey dwellings would vary in height from 8.5m to 9.9m (of these, only Plot 4 would be 9.9m, Plots 1 and 5 would be 9.2m, and the other dwellings would be between 8.5m and 8.7m high), and the detached garages would be 4.7m (with the garage for Plot 4 being 7.4m high).
- 4.3.13 The Plot 14 bungalow will be the closest of the proposed dwellings to Stevenage Road and will have the most immediate impacts on that street scene due to their proximity and visibility from the public highway. The bungalow would have a pitched roof with a front gable end and open pitched-roof porch, which are features of other dwellings nearby in Stevenage Road, and would be of a height that would appear comparable to other bungalows nearby and which appears reasonable and not excessive for such a dwelling type. The detailed design approach and use of red bricks and brown tiles would be similar to others in the street scene and is acceptable.
- 4.3.14 Plots 11 to 13 would be set further back from Stevenage Road than Plot 14 and would also be more obscure by trees, and therefore will have less impacts on the street scene. The design approach, size, and external materials will however be similar to Nos. 1 to 6 The Glebe nearby to the NW, therefore Plots 11 to 13 are considered of an acceptable design in relation to the street scene of Stevenage Road and the wider locality. The other 10 dwellings would be considered to have more limited and acceptable impacts on the street scene of Stevenage Road as they will be set back further into the site and obscured more by buildings and trees.
- 4.3.15 Dwelling Lannacombe adjacent to the west boundary of the site has a height of approx. 8.5m, dwelling West Orchard west of Lannacombe has a height of approx. 7.2m, and dwelling Churchfields west of West Orchard is considered to have a height of 9m. The heights of 8 of the two storey dwellings will vary from 8.5m to 8.7m, with the second highest being 9.2m, which are all considered of an acceptable height given the heights of the three existing dwellings to the west. The Plot 4 dwelling that would be adjacent to Lannacombe would be higher than all nearby dwellings at just under 10m high to the ridge. However, it is considered that this dwelling would not appear unduly tall within its context given its location at the head of the cul-de-sac and screening by trees and buildings.
- 4.3.16 The proposal to use one vehicular access from Sperberry Hill, setting the development behind existing and new planting, will help to minimise the visibility and visual impacts of the development in the wider locality as it will be extensively obscured. The ten dwellings that would be accessed from Sperberry Hill would be of a traditional appearance, would be an acceptable approach in this location. Buff brick walls and grey roof tiles would be the predominant external materials and would reflect Ryefield to the east, and contextually appropriate. The proposed garages would be of an acceptable size and design.

- 4.3.17 Policy SI2 states that an archaeological survey should be completed prior to development. Such a survey was submitted with the application, which revealed archaeological remains across much of the site. The County Council Archaeologist has considered the methodology and findings of the survey acceptable, concluding that the quality and density of those remains indicate any part of the site requires preservation in situ. The impact of the development may then be mitigated by a programme of archaeological excavation prior to development. Such a programme can then be specified by appropriate conditions requiring an Archaeological Written Scheme of Investigation to be submitted to the LPA and agreed in writing, to then be implemented. This is therefore considered to comply with Policy SI2.
- 4.3.18 It is considered that permitted development rights relating to roof extensions and alterations should be removed by condition in the interests of maintaining control over the appearance of the development, potential impacts on dwellings outside the site, and on future occupiers of the development. The amount, size, scale, layout and design of the proposed development is considered acceptable. The proposal is considered acceptable with regards to archaeological assets. The proposal complies with Policies SP9, SP13, D1, HE1 and HE4 of the Local Plan; and Sections 12 and 16 of the NPPF.

Impacts on Residential Amenity:

- 4.3.19 There is one dwelling to the east that adjoins the site, known as Ryefield. The proposed dwelling on Plot 10 would be the closest at a distance of approx. 15.5m from the curtilage of Ryefield, with Plot 11 being the next closest at 21.2m away. At these distances, and due to existing trees to be retained, it is considered that the proposed dwellings would not result in harm to the living conditions of occupiers of Ryefield. The public footpath would be upgraded with new lighting, however due to the number of trees and amount of vegetation between it and Ryefield it is not considered that the lighting will result in harm. Details of lighting will also be controlled by condition.
- 4.3.20 There are no dwellings to the south that will be affected by the development. Dwelling Lannacombe and its curtilage adjoins the west boundary of the site. The Plot 1 dwelling will be approx. 13.8m from the boundary with Lannacombe, and due to this distance and as it would be substantially obscured by trees, Plot 1 would not harm the amenity of Lannacombe. The garage outbuilding for Plot 1 will be closer to Lannacombe than the main Plot 1 dwelling, however as the outbuilding would be smaller, and would also be set away from the boundary and obscured by trees, the outbuilding will not harm the amenity of that dwelling.
- 4.3.21 Plot 4 would be the most visible to Lannacombe, more so as it would be on higher ground and there are less trees to the rear. The two-storey part of Plot 4 would be approx. 7m from the boundary and would then taper away from Lannacombe and its curtilage, such that it is not considered that it would appear overbearing or cause loss of light. A single storey rear projection of Plot 4 would be 4.7m from the boundary and substantially obscured by an outbuilding in the curtilage of Lannacombe, and as such would not cause unacceptable loss of amenity. A first-floor side window of Plot 4 could cause loss of privacy and amenity to Lannacombe. However, as this would be a secondary bedroom window it can be required by condition to be obscure glazed.

- 4.3.22 The garage outbuilding for Plot 4 would be approx. 6.3m from the boundary with Lanacombe, which as it would also be substantially obscured by trees, and would not have any rear openings, is not considered harmful to the amenity of that dwelling. Some concerns have been raised by Lanacombe that a right of way isn't shown. This is not a public right of way, and it is not clear from the comments precisely where the claimed right of way is. From a site visit there didn't appear to be any signs of a right of way onto Stevenage Road and Sperberry Hill apart from the public footpath and given the overgrown condition of the site and its boundaries near Lanacombe it does not appear that any such right of way is in use or would serve any purpose. It is considered that impacts on this right of way can be dealt with outside of the planning process as this is essentially a private civil matter between Lanacombe and the applicant.
- 4.3.23 The other closest dwellings to the site are on Stevenage Road that adjoin the site boundary or are near the site. The development would be largely obscured from dwelling Wainwood and its rear garden to the NW by trees, with the closest proposed dwelling being approx. 24.6m away, therefore the amenity of Wainwood would not be harmed.
- 4.3.24 The two closest proposed dwellings to dwelling The Vicarage east of Wainwood would be approx. 14m and 18.5m from the rear boundary of The Vicarage and would also be obscured by trees. Therefore, it is not considered that harm to the amenity of The Vicarage would occur.
- 4.3.25 The other closest dwellings on Stevenage Road to the site are 1 to 6 The Glebe, three pairs of semi-detached dwellings. The curtilage of No. 1 is approx. 15m from the site and further from the proposed buildings and will not be affected. The curtilage of No. 2 is approx. 1.5m from the site however it faces trees that will provide screening and the proposed buildings will be at oblique angles and set away from the boundary, therefore the amenity of No. 2 will not be harmed.
- 4.3.26 No. 3 partially shares its rear boundary with the site. The rear of No. 3 is approx. 14.8m from its rear boundary, with a proposed double garage and Plot 5 being 3.1m and 14m further away respectively from the boundary and at oblique angles, which is considered sufficient to avoid harm to No. 3. The rear garden of No. 4 is shorter than No. 3 at approx. 11m in depth at its shortest, however the two closest dwellings Plots 5 and 6 would be sited sufficiently far from the boundary and would be at oblique angles and designed such that they would not cause loss of amenity to No. 4. The closest proposed building is a detached double garage for Plot 5 but is not considered harmful to No. 4 as it would be single storey and 3.1m from the boundary. Impacts on the amenity of No. 4 are considered acceptable.
- 4.3.27 No. 5 is closer to the boundary at a minimum distance of approx. 9.2m. The proposed Plot 6 dwelling would be approx. 10.3m from this boundary and at an oblique angle, with no first-floor rear openings on its rear projection, therefore that dwelling will not harm the amenity of No. 5. The detached garages for Plots 5 and 6 will have limited visibility and impacts on No. 5 and are not considered harmful. Impacts on the amenity of No. 5 are considered acceptable.

- 4.3.28 No. 6 The Glebe is close to the boundary of the site, at a minimum of approx. 4.2m from the boundary. The closest proposed building to the rear of No. 6 is a detached double garage for Plot 6, however as it would be approx. 2.9m from the boundary, obscured by vegetation and single storey, this garage building is not considered harmful. The Plot 6 dwelling would be a minimum of 10.8m from the rear boundary with No. 6 and at an oblique angle and is not considered harmful to No. 6.
- 4.3.29 The Plot 7 dwelling would be a minimum of approx. 14.3m from the boundary with No. 6 and would not have rear upper floor openings in its two-storey rear projection, therefore it is not considered that Plot 7 will harm the amenity of No. 6. The other closest proposed dwelling to No. 6 is Plot 14, a bungalow. This dwelling will be approx. 8m from the boundary, and will be partially obscured by a tree, vegetation, and fencing. Due to the lower single storey height of the bungalow, and it being to the side of the curtilage of No. 6, it is not considered that the amenity of No. 6 would be harmed.
- 4.3.30 It is considered that most of the objections and concerns from neighbours have been addressed elsewhere in this report. It should be noted that most objections were to the original plans, with the latest amended plans receiving only three objections. The main original concerns related to traffic impacts on Stevenage Road, which would now be much reduced as most dwellings would be accessed via Sperberry Hill. Any damage to fences would be a civil matter to be resolved between the relevant parties. The proposal is not considered harmful to residential amenity. The proposal complies with Policy D3 of the Local Plan.

Amenity of Future Occupiers:

- 4.3.31 Paragraph 130 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. This is largely reflected in Policies D1 and SP9 of the Local Plan. A criterion of Policy SI2 is that appropriate noise mitigation measures, to potentially include insulation and appropriate orientation of living spaces, should be provided. The main noise generating development in the vicinity of the application site is Wymondley Substation, located approximately 140m to the east of the site at its closest point. A Noise Assessment Report submitted with the application proposes double glazing, and mechanical ventilation for first floor bedrooms where external noise levels exceed 30 dB at night. The Council’s Environmental Health Officer considers this acceptable, which is given significant weight, and on that basis that part of LP Policy SI2 is considered complied with.
- 4.3.32 Policy D1 of the Local Plan states that residential development should meet or exceed the nationally described space standards. The individual rooms and overall living space of the dwellings accord with or exceed these standards. Therefore, the internal living space proposed is considered acceptable. A condition requiring obscure glazing of some first floor side windows of some of the dwellings will ensure no harmful overlooking within the site (this will apply to Plot 5 – west side window, Plot 6 – west Bed 2 window and east Dressing room window, Plot 7 – west Dressing room window, Plot 13 – west side window, Plot 8 – south elevation dressing room window, Plot 1 – east elevation Bathroom window).

- 4.3.33 Each dwelling would have its own private garden. The Local Plan does not specify minimum private and communal garden sizes; however, it is considered that these gardens would be of an acceptable size and quality for potential occupants of the dwellings.
- 4.3.34 Due to the siting of the proposed dwellings, it is considered that future occupants would not be adversely affected by uses, buildings, structures, trees and vegetation outside the site. It is also not considered that the new dwellings proposed would adversely affect each other in terms of visual impacts, being overbearing, loss of light, noise, and privacy.
- 4.3.35 The development includes one main area of public open space in the central area. There are also smaller landscaping strips around and near the open space, public footpath and SW site boundary. Policy NE6 of the Local Plan relates to new and improved open space, which refers to Fields in Trust (FT) guidance.
- 4.3.36 Under the FT guidance, a new development of the scale proposed is recommended to provide a Local Area for Play (LAP), and a Locally Equipped Area for Play (LEAP). A LAP is provided in the site on its west side with further open space around it as a buffer and meets the FT guidance in this respect. A LEAP is not included in the development, however due to the amount of public open space proposed in the site (approx. the size of two LAP's), the smaller size and scale of the development and the site itself, maintaining the public footpath and more significant areas of trees near the SW and SE boundaries, and an existing play area with equipment in a larger area of open space a short distance to the NW up Stevenage Road, it is considered that the provision of a LEAP is not necessary in this case.
- 4.3.37 The amount and quality of public open space for the development is considered acceptable and would be accessible within the site to residents. The open space will be maintained and managed in accordance with a submitted Landscape Management Plan to be managed by a Management Company as part of a S106 legal agreement, which complies with Local Plan Policy NE6. Living conditions for future occupants are considered acceptable. The proposal complies with Policies D1, NE6 and SI2 of the Local Plan, and Section 12 of the NPPF.

Parking, Sustainable Transport, and Highways:

- 4.3.38 The Council's residential parking standards are for dwellings with 1 bedroom to have one space minimum, and for dwellings with 2 or more bedrooms to have a minimum of two parking spaces. All dwellings would have two or more bedrooms and would have at least two parking spaces (with additional space in the proposed garages).
- 4.3.39 Council minimum cycle parking standards are for 1 secure covered space per dwelling, with none if a garage or secure area is provided within the curtilage of each dwelling. The dwellings would have cycle parking in sheds or their own garages, which is acceptable. Cycle parking is therefore acceptable.
- 4.3.40 Visitor parking provision requirements in the Local Plan are between 0.25 and 0.75 spaces per dwelling (rounded up to nearest whole number) with the higher standard being applied where there are no garages in the schemes and the lower standard applied where every dwelling in the scheme is to be provided with a garage.

- 4.3.41 The total number of visitor parking spaces proposed is 6. The development proposes 10 dwellings with garages, and 4 dwellings without garages, which combined is a minimum requirement of 5.5 spaces. The amount of visitor spaces proposed would therefore be acceptable. The location of the visitor spaces is considered acceptable, as they would be spread around the site and within walking distance of the dwellings.
- 4.3.42 The proposed internal road and driveway arrangement is considered satisfactory, on the basis of the absence of objections from the highways officer, which means that large refuse vehicles would be able to access all parts of the site required to reach refuse collection points. The application also includes a Refuse Plan that is considered demonstrates that the proposed dwellings would be able to store refuse bins within or near their curtilages and that they would be within reasonable distances of refuse collection vehicles.
- 4.3.43 Pedestrian connectivity within the site would be via shared surface driveways, and the existing public footpath with a new footpath link in front of Plots 9 and 10. No pedestrian footways are proposed adjacent and alongside the driveways, however this is not considered unacceptable as the shared driveways are short, would have lower traffic flows, and areas of grass would provide additional areas for pedestrians if necessary.
- 4.3.44 The public footpath within the site would remain but would be re-surfaced and widened to approx. 2.1m to also allow for more pedestrian and cycle access to and through the site. The altered footpath would have landscaped strips, planting, and existing trees alongside it, and would also include wider more open entrances on Stevenage Road and Sperberry Hill. The proposed alterations to the footpath remain under consideration, however recent correspondence from the highways officer does not suggest there are objections to this and is considered acceptable.
- 4.3.45 Vehicular access to the development would be via new accesses to be created onto Stevenage Road and Sperberry Hill. The last formal comments from the highways officer (dated 14 November 2023) recommended refusal on the basis that further information of a speed survey carried out by the applicant should be provided.
- 4.3.46 The applicant has since then provided further information as requested, which is considered acceptable to the highways officer on the basis of recent correspondence from 27 June. Formal comments confirming this have not been received at the time of writing this report, therefore there is some uncertainty relating to potential conditions and planning obligations that could be requested. On this basis, approval is recommended subject to these highway matters being resolved to the satisfaction of the LPA with the imposition of additional heads of terms, planning conditions and/or amendment of recommended planning conditions as necessary.
- 4.3.47 Details of construction can be required by a Condition requiring a Construction Management Plan. The proposed development is considered acceptable regarding parking provision, layout, and impacts on the public highway network. The proposal complies with Policies SI2, T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Trees and Landscaping:

- 4.3.48 The site is primarily open but overgrown, with more notable vegetation including mature trees on or near its east, SW and SE boundaries. None of the trees are protected by Tree Preservation Orders or by virtue of being in a Conservation Area.
- 4.3.49 The majority of the proposed development would be outside the root protection areas (RPA's) of the trees and would be considered to be sufficiently far from them to not affect their canopies or result in future pressures for their removal. Part of the driveway for proposed dwellings 11 to 14 would project into the RPA of one tree near the NE boundary, however the extent of this projection would be small and is not considered harmful.
- 4.3.50 The most significant tree removal is proposed at the SW of the site, primarily in association with the proposed Sperberry Hill access and its visibility splays. Some trees near the north boundary are also proposed to be removed, however they are small and make only a limited contribution to the character of the locality, therefore there are no objections to their removal. The trees to be removed near the SW boundary are not considered individually significant, although they contribute to the character of this part of Sperberry Hill by being part of a continuous row of trees that is more like a hedge. It is considered that the loss of these trees will be compensated by new tree planting near the SW boundary and within the site as a whole, therefore the proposed loss of these trees is considered acceptable.
- 4.3.51 The development includes comprehensive hard and soft landscaping throughout the site. The amount of hard landscaping is not considered excessive given the amount of development. Details of the materials of the various hard surfaces have not been specified, however it is considered that they can be required to be so by condition. Proposed boundaries comprising of walls and railings are considered acceptable.
- 4.3.52 The proposed soft landscaping and planting details have been fully specified and are considered acceptable. The proposal would also allow the development to comply with one of the objectives of Policy SI2 in incorporating trees into the design of the development. The proposal is considered to comply with Local Plan Policies SP9, SP12, D1, SI2 and NE2; and Sections 12 and 15 of the NPPF.

Ecology:

- 4.3.53 The application was submitted with a Preliminary Ecological Appraisal (PEA) report with biodiversity net gain calculation, and existing and proposed plans showing biodiversity enhancements.
- 4.3.54 The PEA did not find protected species in the site, with no significant impacts on biodiversity. This is supported by Herts Ecology, which is given significant weight. The site has the potential to support breeding birds, and a pre-development search before the removal of trees/vegetation can be advised to be undertaken by an informative.

- 4.3.55 Hedgerows in the site are to be mostly retained. The most important of these should be protected from construction activities, therefore prior to such works, all relevant protection measures should be in place. It is considered that tree protection plan drawing WHK21863-03 shows this would be achieved through protective fencing and will be required to be adhered to by condition.
- 4.3.56 Given the known presence of bats nearby and suspected use of the proposed development site, it is likely that a reasonable population of bats utilise the land within and beyond the red line boundary for foraging, commuting and potentially roosting. All will be potentially vulnerable to insensitive lighting, and it is imperative this does not reduce the ability of the site and boundary features to maintain their ecological function. Similarly, it should ensure the ability of the proposed bat boxes is not restricted. The production and implementation of a sensitive lighting strategy will therefore be required and secured by condition. Bird and bat boxes will be required on each dwelling by condition.
- 4.3.57 The development should deliver a biodiversity net gain as required by Policy NE4 of the Local Plan. The Policy does not specify a minimum % required, and due to the age of the application it is exempt from being required to provide a mandatory 10% BNG under the provisions of the Environment Act 2021.
- 4.3.58 The application was submitted with a biodiversity net gain calculation that states there would be an overall gain of 26.5% for habitat units and a 32.72% gain for hedgerows/linear features. This has not been disputed by Herts Ecology, therefore the biodiversity net gain put forwards is considered accurate and would deliver a net gain in excess of the 10% requirements. These gains should then be delivered by a Biodiversity Net Gain Management Plan condition. Impacts on ecology are considered acceptable. The proposal complies with Policies SP12 and NE4 of the Local Plan, and Section 15 of the NPPF.

Drainage and flood risk

- 4.3.59 The site is in Flood Zone 1, therefore the proposed development is not considered to be at risk of flooding from waterways. The key material consideration is therefore whether the development would be able to provide acceptable drainage that would not result in detrimental surface water flooding inside and outside the site.
- 4.3.60 The application was submitted with a Flood Risk Assessment and Drainage Strategy. The Lead Local Flood Authority (LLFA) had not objected to the application on 17 January 2024, and have recommended four conditions be attached to any planning permission granted.
- 4.3.61 Since the 17 January comments from the LLFA, the applicant has provided amended plans and further details relating to drainage. The LLFA have been re-consulted on them and maintain their position of having no objections. It is therefore considered that the proposed development is acceptable regarding flood risk and drainage, subject to the conditions recommended by the LLFA. The proposal therefore complies with Policy NE8 of the Local Plan and Section 14 of the NPPF.

Planning obligations

4.3.62 The recommendation is subject to several planning obligations, which have been agreed with the applicant. As set out in paragraph 57 of the NPPF and Regulation 122 of the Community Infrastructure Regulations (CIL Regs.), planning obligations must only be sought where they meet all 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.

Therefore, such contributions should only seek to address the impacts of the proposed development upon infrastructure, services and facilities and not address an existing need or impact by existing or other future housing development.

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

Element	Detail and Justification
Affordable Housing (NHDC)	<p>On site provision of 4 affordable dwellings based on 65% rented tenure (3 x 2 bed houses), and 35% intermediate affordable housing tenure (1 x 3 bed house)</p> <p>NHDC Planning Obligations Supplementary Planning Document</p> <p>Local Plan Policy HS2 'Affordable Housing'</p>
Open space/ SUDS management and maintenance arrangements (NHDC)	<p>Open Space Management Company and SUDS Management Scheme to secure the provision and long-term management and maintenance of the open space, play space and SUDS on-site</p>
Primary education (HCC)	<p>Contribution of £161,066 (index-linked) towards the expansion of St Ippolyts Primary School and/or provision serving the development</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Secondary education (HCC)	<p>Contribution of £214,533 (index-linked) towards the expansion of the Priory Secondary School and/or provision serving the development</p>

	<p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Childcare Service (HCC)	<p>Contribution of £228 (index-linked) towards St Ippolyts Primary School and/or provision serving the development</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Special Educational Needs and Disabilities (HCC)	<p>Contribution of £19,681 (index-linked) towards the new East Severe Learning Difficulty school and/or provision serving the development</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Library Services (HCC)	<p>Contribution of £3,718 (index-linked) towards increasing the capacity of Hitchin Library and/or provision serving the development</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Youth Services (HCC)	<p>Contribution of £6,218 (index-linked) the delivery of a new centre serving Hitchin and the surrounding area and/or provision serving the development</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations Supplementary Planning Document</p>
Fire Hydrants (HCC)	<p>Provision of fire hydrants for the development</p>
Monitoring Fees (HCC)	<p>Monitoring Fees – HCC will charge monitoring fees.</p> <p>These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (before adjusting for inflation).</p>

	HCC Guide to Developer Infrastructure Contributions (July 2021)
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(Indexation is to BCIS 1Q2022 unless otherwise stated)

4.3.63 These obligations have been agreed by the applicant and all relevant parties, and a draft S106 has been submitted to the LPA. These obligations are considered to meet the relevant tests in 4.3.60 and make the development acceptable in planning terms through acceptable mitigation of its impacts on relevant infrastructure.

Climate Change Mitigation:

4.3.64 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste. To assist in achieving these aims, Electric Vehicle Charging points will be required by condition to be installed on each of the proposed new dwellings. The application was also submitted with an Energy and Climate Statement setting out various energy saving measures that will mean each dwelling as a minimum would achieve a 52% reduction in expected carbon emissions while also complying with 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 4 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 14 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. Grant conditional permission.

4.5 Alternative Options

4.5.1 None applicable

4.6 Pre-Commencement Conditions

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

5.0 **Legal Implications**

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

6.0 **Recommendation**

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

- A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required; and
- B) The resolution of the highway matters to the satisfaction of the Local Planning Authority with the imposition of additional heads of terms, planning conditions or amendment of planning conditions as necessary; and
- C) Conditions and Informatives as set out below:

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

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

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

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission. To comply with Policy D1 of the Local Plan.

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

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

4. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be

replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

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

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

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

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

7. Works to trees and protection of existing trees shall be in accordance with the submitted Arboricultural Impact Assessment & Method Statement (Revision B:25/04/2024) and drawing WHK21863-03 Rev B (both received 03/06/24), unless otherwise agreed in writing with the LPA.

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

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

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

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

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

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

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

11. Land Contamination Condition:

(a) 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 has been submitted to and approved by the Local Planning Authority.

(b) 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 (a) 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.

(c) Any contamination, other than that reported in the Paddock Geo Engineering Reports dated March 2019 (P18-184pra & P18-184gi), 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.

12. Prior to occupation, each approved 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. No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

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

14. The development shall be carried out in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 13.

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

15. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 13 and the provision made for analysis and publication where appropriate.

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

16. Prior to first occupation of the development a scheme of external lighting shall be submitted to the Local Planning Authority. The scheme shall be designed to ensure public safety and to minimise the potential effects upon the ecology of the site and its surroundings. The scheme shall include details of external lighting of the Public Right of Way No. 17 within the site. The strategy shall be designed to minimise the potential adverse effects of external lighting on the amenity and biodiversity of the site and its immediate surroundings. The scheme shall be implemented as approved and in accordance with an agreed programme/strategy, and the arrangements shall be maintained and retained thereafter.

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

17. Prior to the commencement of these parts of the development, full details shall be provided of sheds as shown on drawing 18142-1006 Rev G. These details shall then be approved, and the sheds erected and completed before occupation of each dwelling they would be in association with.

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

18. These first floor openings of the approved dwellings shall be obscure glazed: Plot 4 – SW side window, Plot 5 – west side window, Plot 6 – west Bed 2 window and east Dressing room window, Plot 7 – west Dressing room window, Plot 13 – west side window, Plot 8 – south elevation dressing room window, Plot 1 – east elevation Bathroom window.

Reason: In the interests of privacy and amenity. To comply with Policies D1 and D3 of the Local Plan.

19. Development shall not commence until a biodiversity net gain management plan (BNGMP) has been submitted to, and approved in writing by, the local planning authority. The content of the BNGMP shall ensure the delivery of the agreed number of habitat and hedgerow units as a minimum (+0.69 net habitat units 3.31 units total; +0.41 net hedgerow units, 1.65 units total) to achieve a net gain in biodiversity and include the following.
- a) Description and evaluation of habitat parcels to be managed, cross referenced to individual lines in the metric.
 - b) Maps of all habitat parcels, cross referenced to corresponding lines in the metric.
 - c) Appropriate management options for achieving target condition for habitats as described in the approved metric.
 - d) Preparation of an annual work schedule for each habitat parcel (including a 30 year work plan capable of being rolled forward in perpetuity).
 - e) Details of the body or organisation responsible for implementation of the plan.
 - f) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.
 - g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.
 - h) Reporting plan and schedule for informing LPA of condition of habitat parcels for 30 years.

The BNGMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BNGMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To enhance biodiversity in accordance with the NPPF and the North Hertfordshire Local Plan Policy NE4.

20. No above ground development shall commence until details of 2 integrated bird boxes per dwelling and 2 integrated bat boxes per dwelling have been submitted and approved by the LPA. These devices shall be fully installed prior to occupation and retained as such thereafter.

Reason: To enhance biodiversity in accordance with the NPPF and the North Hertfordshire Local Plan Policy NE4.

21. 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.

22. Mechanical ventilation shall be installed in first floor bedrooms as detailed in Section 6 and Figure 4B of “Proposed Residential Development at Stevenage Road /Sperbery Hill St Ippolyts, Noise Assessment” Report reference 2019-05-31a dated 31 May 2019 by Auracle Acoustic.

Reason: To protect the residential amenity of future residents. To comply with Policies D1 and SI2 of the Local Plan.

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

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to comply with Policy D1 of the Local Plan.

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

The Construction Management Plan shall consist 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.

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

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

26. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (Revision B, August 2023), Flood Risk and Drainage Technical Note (November 2023) considering additional requirements below (I, II) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority. The Drainage Strategy shall include;
- i. Additional infiltration testing (to BRE 365 standards and at the depth of all the proposed infiltration features) should be carried out to clarify the rates across the site in the strata which will be utilised for discharge.
 - ii. Updated hydraulic calculations (following the updated infiltration testing results) to ensure the scheme can cater for all events up to and including the 1% AEP (plus appropriate climate change event).

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of North Herts Council. To comply with Policy NE8 of the Local Plan and Section 14 of the NPPF.

27. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
- I. a timetable for its implementation.
 - II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
 - III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of North Herts Council. To comply with Policy NE8 of the Local Plan and Section 14 of the NPPF.

28. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of North Herts Council. To comply with Policy NE8 of the Local Plan and Section 14 of the NPPF.

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

Reason: To prevent flooding and pollution offsite in accordance with the NPPF. To comply with Policy NE8 of the Local Plan and Section 14 of the NPPF.

Pro-active Statement

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

Informatives:

Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

19/01669/FP – Appendix 1

Hertfordshire County Council Highways Officer

Recommends that permission be refused for the following reasons:

We need the applicant to provide further information about the speed survey to demonstrate compliance with CA 185 Vehicle speed measurement requirements, in order to demonstrate that the proposed 2.4m x 50m visibility splay in each direction will be sufficiently safe. Sperberry Hill is currently subject to a 60mph National Speed Limit. The Design Speed may therefore be up to 100kph (~60mph). For reference DMRB CD 109 states the desirable minimum safe stopping distance (SSD) is 215 metres for a 100kph design speed. The proposed 50 metres visibility splay is one step below desirable minimum where the design speed is 50kph (~30mph).

The applicant is required to provide information to satisfy the Local Highway Authority that CA 185 Vehicle speed measurement requirements have been followed. These requirements include "All speed measurements (spot and journey speed) shall be undertaken in free flow conditions where vehicles are unlikely to be accelerating or braking, unless the measurements are to be taken in connection with changes to an existing feature that naturally impacts the free flow of traffic. All speed measurements should be taken in dry weather conditions. A minimum of 200 vehicles speeds shall be recorded during each individual speed measurement period. Spot speed and journey speed measurements shall comprise a minimum of two individual speed measurement periods, undertaken on different days of the week, and at different times of the day.

On two-way roads, the individual speed measurement periods shall include separate measurements taken for both directions of traffic flow. The minimum two individual speed measurement periods should be undertaken in different months and at least one month apart from each other, or in a neutral month if the former is not feasible. Speed measurements should be undertaken outside of peak traffic flow periods. Speed measurements shall not be undertaken during a local event that can result in traffic flows and speeds that are atypical for the road in question. Speed measurements shall not be undertaken at weekends.

Speed measurements on rural roads shall not be undertaken on bank holidays. Where there is a difference in the 85th percentile speeds derived from the individual speed measurements periods, the higher value shall be used in the subsequent design. Speed measurements shall be undertaken using either manual or automatic methods." Please note some of the above are absolute requirements (e.g. all, shall be etc) and some are advised methods (e.g. should etc). Perhaps the applicant may provide a summary table to demonstrate that each above requirement was met with the existing speed survey data collection?

If the applicant cannot satisfactorily demonstrate that the 85th percentile speed and therefore the Design Speed is below 50kph then it follows that as this is a safety critical matter, either new survey data collection or revised proposed visibility splays that provide for minimum safe stopping distance (SSD) are provided at the proposed access on to Sperberry Hill. It may also be possible to consider the case for a speed limit change, however this would need to meet the requirements of Hertfordshire's Speed Strategy and Speed Management Group requirements and this can be a lengthy process.

In the meantime we are consulting our Public Rights of Way (PROW) team for further advice on the proposed realignment of PROW 16 and the potential for improvements to PROW 17

to the North of Stevenage Road. Please see attached the latest revised layout proposed and the published guidance for ease of reference.

Hertfordshire Ecology Comments

Overall Recommendation:

The application can be determined with no ecological objections (subject to the addition of the recommended conditions to any consent).

Summary of Advice:

- A condition should be attached to any consent to secure the installation of two bird boxes and two bat boxes/tubes/tiles in each dwelling
- A condition should be attached to any consent to secure the production and implementation of a lighting strategy
- A condition should be attached to any consent to secure the production and implementation of a Biodiversity Net Gain Management Plan

Comments:

The Hertfordshire Environmental Records Centre holds no ecological records of notable significance from this site or the area that may be affected by this development, suggesting a site of restricted ecological interest.

These characteristics are largely confirmed by the PEA which accompanies this application which described a site of modest ecological value though the boundary hedgerows were considered to be (species-poor) examples of a priority habitat (although it is not certain which hedgerows or all were considered to be important).

Overall, though, the PEA is taken to suggest that although threats were apparent, there would be no significant impacts on biodiversity. I have no reason to disagree with this even with the proposed loss of part of hedgerow H1 to provide a new access.

However, this positive outcome was dependent on a series of avoidance, mitigation and enhancement measures suggested in s5.1 of the PEA. However, these were poorly described and little weight can be attached to them. Consequently, I consider the following measures are considered necessary and should be attached to any consent as conditions.

Biodiversity net gain

Although not yet mandatory, the delivery of a net gain is required by local planning policy. Accordingly, the applicant has submitted extracts from a biodiversity metric. These are acceptable and predict a net gain of 26.5% and 32.72% in habitat and hedgerow units, respectively. Whilst I have no reason to doubt this is achievable, there is, again, no detail and no guarantee the measures required will be delivered. Consequently, the production of a Biodiversity Net Gain Management Plan (BNGMP) should be secured by condition. This should follow best practice and must show as a minimum how the predicted net gain will be achieved and maintained for a minimum period of 30 years. Given the apparent intention to deliver this within the red line boundary, the BNGMP could also fulfil the role of a Landscape and Ecological Management Plan (LEMP). If not, a LEMP should also be secured by condition.

Hertfordshire County Council Archaeologist

I can confirm that the archaeological geophysical survey and trial trenching evaluation requested in my advice letter of 1 August 2019 have now been carried out. I have received and reviewed the evaluation report (Archaeology South-East 2020).

The report is broadly of a satisfactory standard, and the evaluation was of an appropriate scope to provide sufficient information on the likely archaeological implications of the proposed development.

The evaluation has revealed archaeological remains across most of the site, as expected. A concentration of ditches and pits containing Middle Iron Age pottery in the south/south west of the site is of particular interest, as Middle Iron Age remains are very rare in Hertfordshire. Pottery of this date was recovered from several features, and was in 'fresh' or very good condition, suggesting that the site was in or adjacent to a Middle Iron Age settlement. This fits with the geophysical survey results from the former proposed solar farm development to the south of the site on Sperberry Hill. A small quantity of blacksmithing waste was recovered from a Middle Iron Age feature, which is of note. The Middle Iron Age pottery should be retained for further analysis.

A large east-west ditch containing very large quantities of Late Iron Age/Roman pottery appears to mark the northern extent of the Middle Iron Age settlement activity. The majority of finds, however, on the site were Late Iron Age or Romano British, with pottery and other material recovered from ditches/pits across the site, including in the north west and north east. It appears as if some kind of Late Iron Age/Romano-British enclosure abuts the large settlement enclosure (which itself may have continued in use until the Romano-British period) to the north.

The archaeological remains are significant, particularly those in the south/southwestern parts of the site. The quality and density of those remains is, however, not high enough that, given presently-available information, we would recommend that any part of the site requires preservation in situ. The impact of the development may then be mitigated by a programme of archaeological excavation prior to development.

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

1. The archaeological open area excavation of the proposed development area, prior to development commencing. This should include a contingency for preservation in situ of any remains of unexpected significance encountered;
2. a programme of archaeological public outreach, to include open day(s), school visit(s), public talks etc. as appropriate;
3. the analysis of the results of the archaeological work with provision for the subsequent production of a report and an archive, and the publication of the results. This should include further analysis of the Middle Iron Age pottery recovered during the predetermination evaluation;
4. such other provisions as may be necessary to protect the archaeological interests of the site;

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 16 (para. 199, etc.) of the National Planning Policy Framework. In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

Urban Designer and Landscape Architect Planning Policy NHDC

(Comments dated 5 August 2020)

1. This proposal is for site allocation SI2 in the emerging Local Plan which is located on the south-east edge of St Ippolyts village and lies within the village settlement boundary. It is located between Sperberry Hill, a through route and Stevenage Road which is a cul-de-sac. The site is bounded by two detached residential properties set in large gardens, 'Ryefield' and 'Lannacombe' and which run the full length of the east and west boundaries respectively. The northern boundary is enclosed by the rear gardens of properties fronting onto Stevenage Road together with a short section of the road itself while the southern boundary fronts onto Sperberry Hill and overlooks agricultural fields with potential longer views out across the rolling landscape.

2. The allocation has a dwelling estimate of 12 houses and the site specific criteria include:

- Archaeological survey to be completed prior to development;
- Trees should be incorporated into the design of the development; and
- Maintain the existing right of way through the site.

3. This application is for 14 detached properties, nine accessed off Stevenage Road and five accessed off Sperberry Hill with no access between the two apart from the public right of way PRow St Ippolyts 17 which runs north-south across the eastern part of the site between the two roads and connects into the wider footpath network. The proposal leaves the area to the east of the PRow undeveloped and provides a buffer between 'Ryefield' and the proposed development. Who will be responsible for maintaining this area? Will it be public open space?

4. The five detached properties along Sperberry Hill will be accessed off a new shared entrance and set well back from the road behind an access road and landscape buffer which will help screen the development from views from the south and west. The houses are slightly forward of the loose building line running along Sperberry Hill but generally follow the character of detached properties fronting onto Sperberry Hill.

5. The remaining nine properties will be accessed via two entrances on Stevenage Road. Seven of the properties accessed off Stevenage Road are grouped along a cul-de sac with the remaining two accessed off a separate shared drive. Apart from one pair of semi-detached houses all the properties are detached and two storeys high.

6. I am of the opinion that 14 dwellings is overdevelopment of this site. Whilst I feel that five dwellings along the Sperberry Hill frontage is acceptable, erecting nine properties within a similar area in the northern half of the site creates a poor layout. Reducing the number of dwellings in the northern half to seven will allow a better layout and all the dwellings can be accessed off a single entrance. This will help to minimise the impact on the semi-rural character of Stevenage Road.

7. The Tree Report and Tree Reference Plan (WHK21863-01) assess most of the existing 49 trees as category B (30) while the remaining are classed as Category C (17) or U (2). They are all located around the periphery of the site and can be retained as part of the proposal. There are no existing trees or shrubs within the centre of the site and this should be addressed by the landscape proposals scheme to help assimilate the development into its surroundings. Existing vegetation along the sites boundaries with residential properties should be strengthened to ensure a suitable buffer between the development and existing residential properties.

8. There is no indication of which trees are to be removed along the Sperberry Hill frontage to accommodate the vehicular sightlines for the new access. However, the DAS on p27 states that 5 x grade B trees will be removed in the south of the site near Sperberry Hill presumably to create the access but they are not indicated on any drawings.

9. The new trees proposed along the Sperberry Hill frontage are welcomed to supplement the existing vegetation and strengthen the buffer planting. However, out of the 21 trees proposed for this scheme only 3 trees are located within the site itself rather than around the periphery. A structural planting scheme is needed to create a distinctive character for the development which should include more trees.

10. Who will be responsible for the maintenance of the green space not contained within private gardens such as the land along Sperberry Hill frontage and the land to the east of the PRow next to 'Ryefield'?

11. I would query why out of the five visitor parking spaces provided on site only one visitor space is available in the northern half of the site for properties accessed off Stevenage road whereas four visitor spaces are available in the southern half accessed off Sperberry Hill.

12. The number of dwellings should be reduced in the northern half to create a better layout and the landscape scheme should incorporate more trees within the development itself to create a structural landscape and high quality environment.

Herts and Middx Wildlife Trust

Objection: Biodiversity net gain not demonstrated, ecological survey out of date and only a preliminary survey. Not compliant with North Herts Local Plan or NPPF.

The ecological survey was conducted over 4 years ago and is now out of date. It was also a preliminary survey not a full survey. The CIEEM EclA guidelines state:

'1.5 Under normal circumstances it is not appropriate to submit a PEA in support of a planning application.'

The North Herts Local Plan and NPPF requires that applications must demonstrate a biodiversity net gain.

The NHDLP states:

'NE4 All development should deliver measurable net gains for biodiversity and geodiversity, contribute to ecological networks and the water environment, and/or restore degraded or isolated habitats where possible. Applicants should, having regard to the status of any affected site(s) or feature(s):

d. Integrate appropriate buffers of complimentary habitat for designated sites and other connective features, wildlife habitats, priority habitats and species into the ecological mitigation and design. The appropriateness of any buffers will be considered having regard to the status of the relevant habitat. 12 metres of complimentary habitat should be provided around wildlife sites (locally designated sites and above), trees and hedgerows

11.18 Ecological surveys will be expected to involve an objective assessment of ecological value and identify any priority habitat, protected or priority species on site with survey data and site assessment to establish the potential impact. Surveys should be consistent with BS42020 Biodiversity- Code of Practice for Planning and Development, or as superseded, and use the DEFRA Biodiversity Metric , or as superseded, or any statutorily prescribed alternative to assess ecological value and deliver measurable net gain.'

The NPPF para 174 states that development must demonstrate a net gain.

This application should not be determined until a biodiversity metric has been submitted that demonstrates a net gain e.g. an increase in habitat units and hedgerow units of 10%. The application must also demonstrate that it is consistent with local plan policy NE4d.

This information is required before this application can be determined.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

19/01669/FP Land West of Ryefield, Stevenage Road, St Ippolyts, Hertfordshire



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<u>Location:</u>	Land Off Milksey Lane Graveley Hertfordshire
<u>Applicant:</u>	*
<u>Proposal:</u>	Residential development comprising of 26 dwellings including creation of vehicular access off High Street and associated parking, drainage, landscaping and amenity space.
<u>Ref. No:</u>	23/00186/FP
<u>Officer:</u>	Ben Glover

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

Extension of statutory period: 21/02/2023

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

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

1.0 **Site History**

1.1 81/00314/1 - Outline application for erection of 10 houses and garage – Refused on 02/03/1981.

2.0 **Policies**

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

Spatial Strategy and Strategic Policies

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy

Policy SP6: Sustainable transport

Policy SP7: Infrastructure requirements and developer contributions

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Policy SP13: Historic Environment

Development Management Policies

Policy HS2: Affordable Housing
Policy HS3: Housing Mix
Policy HS5: Accessible and adaptable housing
Policy T1: Assessment of transport matters
Policy T2: Parking
Policy D1: Sustainable design
Policy D3: Protecting living conditions
Policy D4: Air quality
Policy NE1: Strategic green infrastructure
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE6: New and improved open space
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE9: Water quality and environment
Policy NE10: Water conservation and wastewater infrastructure
Policy HE1: Designated Heritage Assets

2.2 **Supplementary Planning Documents**

Design SPD

Developer Contributions SPD 2023

Vehicle Parking Provision at New Development SPD (2011)

North Hertfordshire and Stevenage Landscape Character Assessment

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

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

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

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

2.4 **Hertfordshire County Council**

Local Transport Plan (LTP4 – adopted May 2018)

Hertfordshire Waste Core Strategy and Development Management Policies

Development Plan Document 2012

2.5 **National Planning Practice Guidance**

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

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 14/02/2023

Expiry Date: 09/03/2023

3.2 **Press Notice:**

Start Date: 16/02/2023

Expiry Date: 11/03/2023

3.3 Neighbouring Notifications:

Nine public comments have been received to the proposed development with eight objecting and one supporting. The comments are available to read in full on the NHC website and their key points have been summarised below:

Objections:

- Ownership issues relating to access.
- Development would not have a nice aesthetic look as trees have been cut down.
- Harm to heritage properties and the conservation area.
- Noise and disturbance from construction.
- Questions relating to outstanding issues of trenching.
- Approach to sewage and impact on existing infrastructure has not been assessed by the applicant.
- Concerns relating to traffic, parking, and pedestrian safety.
- Loss of green belt.
- Noise impact from the A1.
- Harm to the environment, landscape, and well-being of Graveley.
- Noise pollution from the development.

Supports:

- Requests that developers erect a noise protection fence along the bridge over the road to Great Wymondley due to noise from the A1.

3.4 Parish Council / Statutory Consultees:

Graveley Parish Council – No objection.

HCC Highways – No objection subject to conditions and informatives.

HCC Ecology – Objection. Comments available in full on the NHC website.

HCC Archaeology – No objection subject to conditions.

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

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

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

NHC Conservation Officer – No comments received.

Lead Local Flood Authority – No objection subject to conditions.

Anglian Water – No objection subject to informatives.

HCC Growth & Infrastructure – No objection.

HCC Minerals & Waste – No objection subject to conditions.

CPRE Hertfordshire – No comments received.

HCC Public Rights of Way – No objection.

NHC Housing Development Officer – No objection.

NHC Waste & Recycling – No objection.

HCC Water Officer – No objection.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is a large 1.5ha grassland field situated to the northern edge of the village of Graveley. The site is situated to the rear of No. 35, 37, and 41 High Street. Milksey Lane bounds the site to the north and there is a restricted byway to the rear (west) of the site. To the south of the site is No. 33 High Street and land rear of 33 High Street.

4.1.2 The application site is partially situated within the Graveley Conservation Area. No. 33 High Street, to the southeast of the site, is a Grade II Listed Building. The site is not within the Green Belt. Planning permission was granted for four dwellings on land to the south of the application site (application reference 23/01392/FP) in February 2024.

4.2 **Proposal**

4.2.1 Planning permission is sought for the erection of 26 dwellings with access from High Street, associated internal roads, parking, landscaping, amenity space, and footpath connection to the restricted byway that runs along the western boundary of the site.

4.2.2 The development would consist of 16 units of market housing and 10 affordable units of various sizes.

4.2.3 The application was amended by plans received on the 12th May 2023. The key alterations include the moving of the development away from the southern boundary to create a landscape buffer. Further alterations include the substation being moved to the north of the access road, and a pergola is proposed to be used for parking by Plot 19 replacing a garage.

4.3 **Key Issues**

4.3.1 The key issues for consideration include:

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

Principle of the Proposed Development:

- 4.3.2 The North Hertfordshire Local Plan 2011-2031 (NHLP) was adopted by the Council in November 2022.
- 4.3.3 Policy SP1 of the NHLP sets out the aim of ensuring the long-term viability of the District's villages by supporting growth. Policy SP1 goes on to set out that planning permission will be granted for proposals that 'deliver an appropriate mix of homes, jobs and facilities that contribute towards the targets and aspirations of this Plan', 'provide the necessary infrastructure...', 'protect [the] environment', and 'secure any necessary mitigation measures that reduce the impact of development...'
- 4.3.4 The development is also considered consistent with Policy SP1 of the Local Plan with the development being appropriately located within the village of Graveley and by delivering an appropriate mix of 26 homes within the district including:

	Affordable	Market	Total
1-bed	1	0	1
2-bed	6	4	10
3-bed	3	6	9
4-bed	0	6	6
Total	10	16	26

- 4.3.5 The development site is situated within Graveley. Graveley is identified within Policy SP2 of the NHLP as a Category A village in which general development will be allowed within the defined settlement boundaries.
- 4.3.6 Policy SP2 identifies a significant housing need in the district, which is for 'at least 13,000 new homes' over the plan period. The application site is not an allocated site within the local plan but meets the criteria of a 'windfall' site.
- 4.3.7 The proposed development is situated within the settlement boundary of Graveley and would therefore comply with Policy SP2 of the Local Plan.
- 4.3.8 Given the siting of the application site within the boundary of Graveley and the appropriate mix of housing proposed, the principle of development in this location is acceptable.

Impact on Designated Heritage Assets:

- 4.3.9 The application site is partially situated within the Graveley Conservation Area. Furthermore, No. 33 High Street, a Grade II Listed Building, shares a boundary with the application site to the southeast. The dwelling immediately to the east of the site, Graveley House, is an unlisted building within the conservation area, that makes a positive contribution to the character and appearance of the area.
- 4.3.10 Paragraph 201 of the National Planning Policy Framework (NPPF) sets out that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset.

- 4.3.11 Paragraph 203 c) of the NPPF states *“In determining applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness”*
- 4.3.12 Local Plan Policy SP13 indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight shall be given to the asset’s conservation and the management of its setting. This reflects Paragraph 205 of the NPPF which states *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*
- 4.3.13 Paragraph 206 of the NPPF states *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*
- 4.3.14 Local Plan Policy HE1 seeks to weigh the public benefits of a proposal against the harm, and this reflects paragraph 208 of the NPPF which states, *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*
- 4.3.15 The proposed development is considered to have a limited impact upon both the conservation area and setting of the listed building (No. 33 High Street). The layout of the development and its setting off the public highway would be appropriate. The development would result in the retention and improvements to landscaping within the site. The design and layout of the development would limit any impact to the special character of the listed building. Any harm would be towards the lower end of less than substantial. Therefore, the public benefits of the proposed development should be weighed against this limited harm as required by Local Plan Policy HE1 and NPPF paragraph 208, which will be considered later in this report.

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

- 4.3.16 The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 131 of the NPPF goes on to set out that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.3.17 Paragraph 135 of the NPPF indicates that planning decisions should ensure that development will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, establish or maintain a strong sense of place, optimise the site to accommodate and sustain an appropriate amount and mix of development, and to create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users.
- 4.3.18 Policy SP9 of the Local Plan confirms that the Council will *‘support new development where it is well design and located and responds positively to its local context’*. This is repeated in Policy D1 of the Local Plan. Both Policy SP9 and D1 reflect the principles set out within the NPPF.

- 4.3.19 The proposed development for 26 dwellings would sit on the northern edge of the village of Graveley with existing residential development in the village being predominately sited to the east and south of the site.
- 4.3.20 It is noted that the site to the north of the application site is an allocated site within the local plan identified as 'GR1'. To the south of the site is an extant permission for four dwellings on Land to the rear of 33 High Street.
- 4.3.21 The proposed dwellings would be set away from the High Street and screened by mature vegetation and new planting. The site would be split in half by a road that runs through the middle of the site with development focused on either side of the access road.
- 4.3.22 The development would be relatively low density at approximately 17 dwellings per hectare. The low density would help maintain the village character, particularly on this edge of settlement site.
- 4.3.23 There would be a range of two storey detached and semi-detached dwellings. Plots 5-7 would comprise a two-storey maisonette building. The development would also include detached garages and car ports.
- 4.3.24 Materials would consist of a red brick, white render, and black cladding. It is considered appropriate to include a sample of materials condition to ensure the quality of materials is appropriate and to comply with Policy D1 of the Local Plan
- 4.3.25 The design of the properties would be acceptable. There would be an appropriate mix and variety to give interest to the site. However, in order to retain the design and appearance of the site and its cohesion, it is considered appropriate to restrict some permitted development rights including Class A, Class B, and Class C of Part 1 to Schedule 2 of the General Permitted Development Order.
- 4.3.26 Given the above, it is considered that the proposed development would result in a well-designed housing development on the edge of Graveley, which protects the character and appearance of the area using landscaping and a suitable layout. The proposed development would comply with relevant local and national planning policies.

Standard of Amenity for Future Occupiers:

- 4.3.27 Policy D1 of the Local Plan sets out that residential schemes should meet or exceed the nationally described space standards. All proposed dwellings on the site comply with the space standards as a minimum.
- 4.3.28 The Design SPD requires '*adequate private space to meet the needs of occupants...the council encourages a mix of garden sizes*' and should have enough space for '*outdoor living requirements such as children's play, lawn/shrub area for leisure and recreation, recycling bins and storage facilities*'. The development would provide adequate private amenity space for each dwelling.
- 4.3.29 With regards to overlooking and privacy for future occupiers, properties would be appropriately oriented and set apart to avoid the potential for any unacceptable overlooking. The development would therefore provide an acceptable standard of privacy for future occupiers.

4.3.30 It is considered that the proposed development would provide an acceptable standard of amenity and privacy for future occupiers of the development. Each dwelling would benefit from a well-designed internal space and adequate garden and storage space.

Impact on Neighbouring Properties:

4.3.31 Policy D3 of the Local Plan sets out that planning permission will be granted for development proposal which do not cause unacceptable harm to living conditions.

4.3.32 The development would be neighboured to the east by properties fronting the High Street (No. 35, 37, and 41). With the proposed development being set back from the front (east boundary) of the site, the dwellings that face towards the existing neighbouring properties would be set significantly away and screened by vegetation and new planting. The proposal would not result in any unacceptable harm to the amenities of the neighbouring properties that front High Street.

4.3.33 The extant permission on the land to the rear of No. 33 High Street is noted. Should development commence of the neighbouring site, the proposed dwellings that sit closest to the southern boundary would be appropriately orientated and set away from the boundary to maintain the amenity of any potential development to the south.

4.3.34 The neighbouring objections and concerns have been noted. Some concerns relate to traffic generated by both the construction of the site and long-term occupation of the site. The construction period of the site would be temporary.

4.3.35 Whilst the development would increase traffic, following consultation with the Highways Authority, the traffic generated would not give rise to unacceptable harm to the local highways network.

4.3.36 Concerns raised relating to noise and air pollution arising from the development. The environmental impacts of the development have been considered by Environmental Health and no objections have been raised subject to the inclusion of appropriate conditions and informatives.

4.3.37 In conclusion on this matter, the proposed development would not result in an unacceptable impact to the amenities of nearby neighbouring occupiers and would comply with both local and national planning policies.

Impact on Highways:

4.3.38 The Highways Authority have been consulted on the proposed development and have raised no objection subject to the inclusion of conditions and informatives.

4.3.39 The Highways Authority have determined that the proposed development "*is not likely to have any significant impact on parking demand, congestion or highway safety.*"

4.3.40 Paragraph 115 states that '*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe*'. The NPPF therefore sets a high bar for refusal on highways grounds. Notwithstanding concerns relating to the development from neighbouring occupiers, given that the Highways Authority have no objection to the proposal, it is considered that the development would not have an unacceptable impact on the highways network and is in compliance with both local and national planning policies.

Parking Provision:

- 4.3.41 NHLP Policy T2 on Parking requires proposals to be in accordance with the minimum standards set out in Appendix 4 of the Local Plan. This requires that x1 space is required per 1 bedroom dwelling and that x2 spaces are required for any dwellings of 2 bedrooms or more. In addition, between 0.25 and 0.75 visitors parking spaces are required per dwelling, with 'the higher standard being applied where there are no garages in scheme and the lower standards applied where every dwelling in the scheme is to be provided with a garage'.
- 4.3.42 The development would provide 52 off-street car parking bays for the 26 dwellings and 14 visitor parking spaces (0.54 visitor spaces per dwelling) on-site. The garages are not included within the number of spaces.
- 4.3.43 In conclusion, the proposed development would comply with local car parking standards and relevant planning policy.

Flood Risk and Drainage:

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

Landscaping, and Greenspace:

- 4.3.48 The proposed development would result in the removal of eight Category B trees, which are of moderate value / quality, thirteen Category C (low value) trees, and ten Category U (poor condition / health) trees.
- 4.3.49 The loss of the trees would be mitigated through replacement planting elsewhere on site.
- 4.3.50 The proposal includes substantial planting along the boundaries of the site as denoted within the 'Landscape Strategy Plan'.
- 4.3.51 No objection is raised to the impact of the development to landscaping. The development would provide adequate landscaping and greenspace in accordance with local and national policies.

Biodiversity and Ecology:

- 4.3.52 Policy NE4 of the Local Plan sets out that planning permission will only be granted for development proposals that appropriately protect, enhance, and manage biodiversity. The policy also sets out that all development should deliver measurable net gains in biodiversity and geodiversity, contribute to ecological networks and the water environment.
- 4.3.53 Based on the Biodiversity Net Gain report submitted, the proposed post-development habitats would generate 6.05 biodiversity units and hedgerow habitats would generate 2.19 biodiversity units. There would be a biodiversity net gain of 50.20% for habitats and a 27.20% gain for hedgerows.
- 4.3.54 Hertfordshire Ecology have objected to the proposed development for the following reasons:
- Further information is required to inform the biodiversity net gain assessment;
 - The findings of the revised net gain assessment and details of future management should be presented in a Biodiversity Net Gain Plan; and
 - The absence of a 12m buffer that fails to satisfy the Council policy (NE4)
- 4.3.55 Whilst the 12m buffer would not be achieved throughout the whole of the site. Improvements have been made to the buffer through the submission of amended plans. In any case, the scheme would provide an opportunity for long term management within the site allowing for sustained ecological value.
- 4.3.56 Furthermore, the development would make a contribution to ecology and biodiversity net gain consistent with the principals of the NPPF and Local Plan policy. Therefore, whilst the 12m buffer would not continue throughout the whole site, the landscape and ecology gains discussed above would be of net benefit.
- 4.8.57 The site has been largely cleared. It is considered appropriate in this case to condition a method statement to guide sensitive construction practices within the site in accordance with the recommendations made within the submitted ecological appraisal. Furthermore, a Landscape and Ecological Management Plan can be conditions to ensure the proposed landscaping is undertaken to a satisfactory degree.
- 4.3.58 The Herts Ecology objection has been noted. It is considered that there would be a significant gain in the overall biodiversity of the site given the retention and enhancing of landscaping within the application site. Subject to the inclusion of appropriate landscape management and maintenance conditions, the proposal would be in compliance with both local and national planning policies.

Environmental Health Considerations:

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

Sustainability and Climate Change:

- 4.3.60 Section 14 of the NPPF sets out that the planning system should support the transition to a low carbon future. This principle is echoed in Policy D1 of the Local Plan that encourages all reasonable opportunities to reduce energy consumption and waste.
- 4.3.61 The development would be constructed to high standards designed to reduce heat loss through the fabric of the building and thus reducing the amount of energy required to heat homes.
- 4.3.62 Electric vehicle charging points would be incorporated throughout the development as required by Building Control standards.
- 4.3.63 Given the above, it is considered that the development would be in compliance with both local and national planning policies.

Planning Obligations:

- 4.3.64 In considering planning obligations in relation to this development NPPF para. 57 advises that: 'Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.'
- 4.3.65 NHLP Policy SP7 sets out infrastructure requirements and developer contributions that are 'necessary in order to accommodate additional demands resulting from the development'. This policy reflects the NPPF principles set out above. It also cites the recently adopted Development Contributions SPD adopted by the Council and the update to Development Contributions adopted by the County Council.
- 4.3.66 The proposed development would provide 10 affordable dwellings, which is a policy compliant 40% contribution. This would comprise of the following:

	Rent	Intermediate
1-bed	1	0
2-bed	6	0
3-bed	0	3
Total	7	3

- 4.3.67 This mix meets the requirements of the Council.

- 4.3.68 The remaining S106 obligations are listed in the following table:

Element	Detail	Justification
Graveley PC Play Area	Play area, railings to the pond and improvements to the footpath on Graveley Lane £30,600 to be index linked.	Policy SP7 Infrastructure requirements and developer contributions

NHC Monitoring Fee	Monitoring fee (based on 2.5% of the contributions collected by NHC) Based on £30,600 contribution, the monitoring fee would be £765	Policy SP7 Infrastructure requirements and developer contributions
Primary Education (HCC)	Primary Education Contribution towards the delivery of a new primary school in the area provision serving the development £305,151 index linked to BCIS 1Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Secondary Education Contribution (HCC)	towards the delivery of new secondary education provision at the former Barnwell East site/ land at Redwing Close and/or provision serving the development £314,511 index linked to BCIS 1Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Nursery Education	In instances where new primary school provision is required, the equivalent nursery provision should also be provided at the new school. The indicative level of contributions towards Nursery provision which HCC would be seeking from this development are included within the primary education contribution. Nursery provision will be included as part of the delivery of a new School and/or provision serving the development	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Childcare Contribution	towards increasing the capacity of 0-2 year old childcare facilities at Stevenage or the surrounding area and/or provision serving the development £20,016 index linked to BCIS 1Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Childcare Contribution	towards increasing the capacity of 5-11 year old childcare facilities at Stevenage or the surrounding area and/or provision serving the development £248 index linked to BCIS 1Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022

Special Educational Needs and Disabilities (SEND) Contribution	towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development £33,114 index linked to BCIS 1Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Library Service Contribution	towards the delivery of a new centre in Stevenage and/or provision serving the development £8,352 index linked to BCIS 1Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Youth Service Contribution	towards the delivery of a new centre for the Bowes Lyon Young People's Centre and/or provision serving the development £6,770 index linked to BCIS 1Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Waste Service Recycling Centre Contribution	towards the expansion of Stevenage Recycling Centre and/or provision serving the development £147 index linked to BCIS 1Q2022)	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Waste Service Transfer Station Contribution	towards the new provision of Northern Transfer Station and/or provision serving the development £4,465 index linked to BCIS 3Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
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.	HCC 'Guide to Developer Infrastructure Contributions' 2022

4.3.69 Discussions are ongoing regarding the wording of the s106 Agreement, such as trigger points. However, it is considered that the heads of terms are advanced enough to refer this matter to Planning Control Committee and that the outstanding issues are minor in nature and can be resolved prior to determination.

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

4.4 Conclusion

4.4.1 The proposed development would consist of the erection of 26 dwellings on land off Milksey Lane. 10 of the units would be affordable. The proposed development would make a positive contribution to the delivery of homes within the district for the rest of the Local Plan period.

4.4.2 Furthermore, the development would be within the Graveley village boundary and would ensure the long term viability of the village in compliance with Policy SP1 of the Local Plan.

4.4.3 The site is considered a 'windfall' site and is not within the Green Belt. The principle of residential development in this location would therefore be acceptable.

4.4.4 The development would result in less than substantial impact upon the Graveley Conservation Area and the setting of the Listed Building (33 High Street). This harm would be towards the lower end of less than substantial given the appropriate layout, design, and landscaping. The social, economic, and environmental benefits of delivering 26 dwellings in this location would be of net benefit and outweigh any harm to the designated heritage assets.

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

4.4.6 The Highways Authority have raised no objection to the proposed development and there would be sufficient parking provided within the site.

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

4.4.8 In conclusion, the proposed development for 26 dwellings is considered to comply with the relevant planning policies set out within the North Hertfordshire Local Plan 2011-2031 and the National Planning Policy Framework 2023.

5.0 Alternative Options

5.1 None applicable

6.0 **Pre-Commencement Conditions**

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

7.0 **Legal Implications**

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

8.0 **Recommendation**

- 8.1 That planning permission be **GRANTED** subject to the following:
A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required: and
B) Conditions and Informatives as set out in this report.

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

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

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

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

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

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

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

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

area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

5. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall be informed by the Landscape Strategy Plan drawing ED14209-011 dated 10.01.24 and include the following.
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management, to be informed by an updated ecological walkover survey.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the proposal has regard for the long term management and maintenance of habitats and ecology within the site, in line with Policy NE2 and NE4 of the Local Plan.

6. Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:
 - the phasing of construction and proposed construction programme.
 - the methods for accessing the site, including wider construction vehicle routing.
 - the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
 - the hours of operation and construction vehicle movements.
 - details of any highway works necessary to enable construction to take place.
 - details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
 - details of any hoardings.
 - details of how the safety of existing public highway users and existing public right of way users will be maintained.
 - management of traffic to reduce congestion.
 - control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
 - the provision for addressing any abnormal wear and tear to the highway.
 - the details of consultation with local businesses or neighbours.
 - the details of any other Construction Sites in the local area.

- waste management proposals.

Reason: To minimise the impact of the construction process on the on local environment and local highway network.

7. Prior to first occupation of the development hereby permitted, the internal road layout, footways, turning heads, shared surface, on-site parking arrangements, all on site vehicular areas shall be accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory access for all and parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

8. No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material in accordance with approved plan reference no. C86483 JNP 66 XX DR T 1001 rev P06, dated 04.01.23.

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

9. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. drwg reference no. C86483 JNP 66 XX DR T 1001 rev P06, dated 04.01.23, are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 1.05 metres in height.

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

10. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: To avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. The gradient of the main access roads shall not be steeper than 1 in 20.

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

12. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning www.hertfordshire.gov.uk authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To ensure the implementation of an appropriate archaeological investigation, recording, reporting and publication, and the protection and preservation of archaeological features of significance, in accordance with North Hertfordshire Local Plan Policy HE4 and Section 16 of the NPPF 2023.

13. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 12.

Reason: To ensure the implementation of an appropriate archaeological investigation, recording, reporting and publication, and the protection and preservation of archaeological features of significance, in accordance with North Hertfordshire Local Plan Policy HE4 and Section 16 of the NPPF 2023.

14. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 12 and the provision made for analysis and publication where appropriate.

Reason: To ensure the implementation of an appropriate archaeological investigation, recording, reporting and publication, and the protection and preservation of archaeological features of significance, in accordance with North Hertfordshire Local Plan Policy HE4 and Section 16 of the NPPF 2023.

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

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

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

16. Prior to the first occupation of the proposed development, the 1.8m high close boarded fencing and 1.8m brick screen walls specified in Section 5.3 and appendix A of "Land south of Milksey Lane, Gravely, Planning Noise Assessment" Report Reference RJ59/21213/2 version 2 21st December 2022 by Spectrum Acoustic Consultants shall be implemented and retained and maintained thereafter.

Reason: To protect the residential amenity of future residents.

17. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
- A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
- A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

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

18. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

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

19. Prior to occupation, each of the proposed 26 new dwellings 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.

20. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (Arden Consulting, Ref: 2100461-01 Rev A, May 2022) and Flood Risk and Drainage Technical Note (MEC Consulting Group, Ref: 28525-FLD-0101, March 2024.) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. Sarah Kasparian Local Planning Authority North Herts District Council, Council Offices

Gernon Road Letchworth Herts SG6 3JF Growth and Environment Lead Local Flood Authority Post Point CHN 215 Hertfordshire County Council County Hall, Pegs Lane HERTFORD SG13 8DN www.hertfordshire.gov.uk Contact Katherine Ashworth Email FRMConsultations@hertfordshire.gov.uk Date 07 June 2024 Creating a cleaner, greener, healthier Hertfordshire Page 2 of 4 No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority. The scheme shall address the following matters:

- i. Drawings showing the routes for the management of exceedance flow routes in the unlikely event of a failure of the drainage system (for blockage or exceedance). Flow routes shall minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.
- ii. Development shall be constructed to include all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

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

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

- I. a timetable for its implementation.
- II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- III. details of how access to the watercourse will be maintained for flood management inspection and maintenance by both vehicular (large, heavy vehicles) and pedestrian access.
- IV. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

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

22. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved

timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of North Hertfordshire District Council

23. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012)

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

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

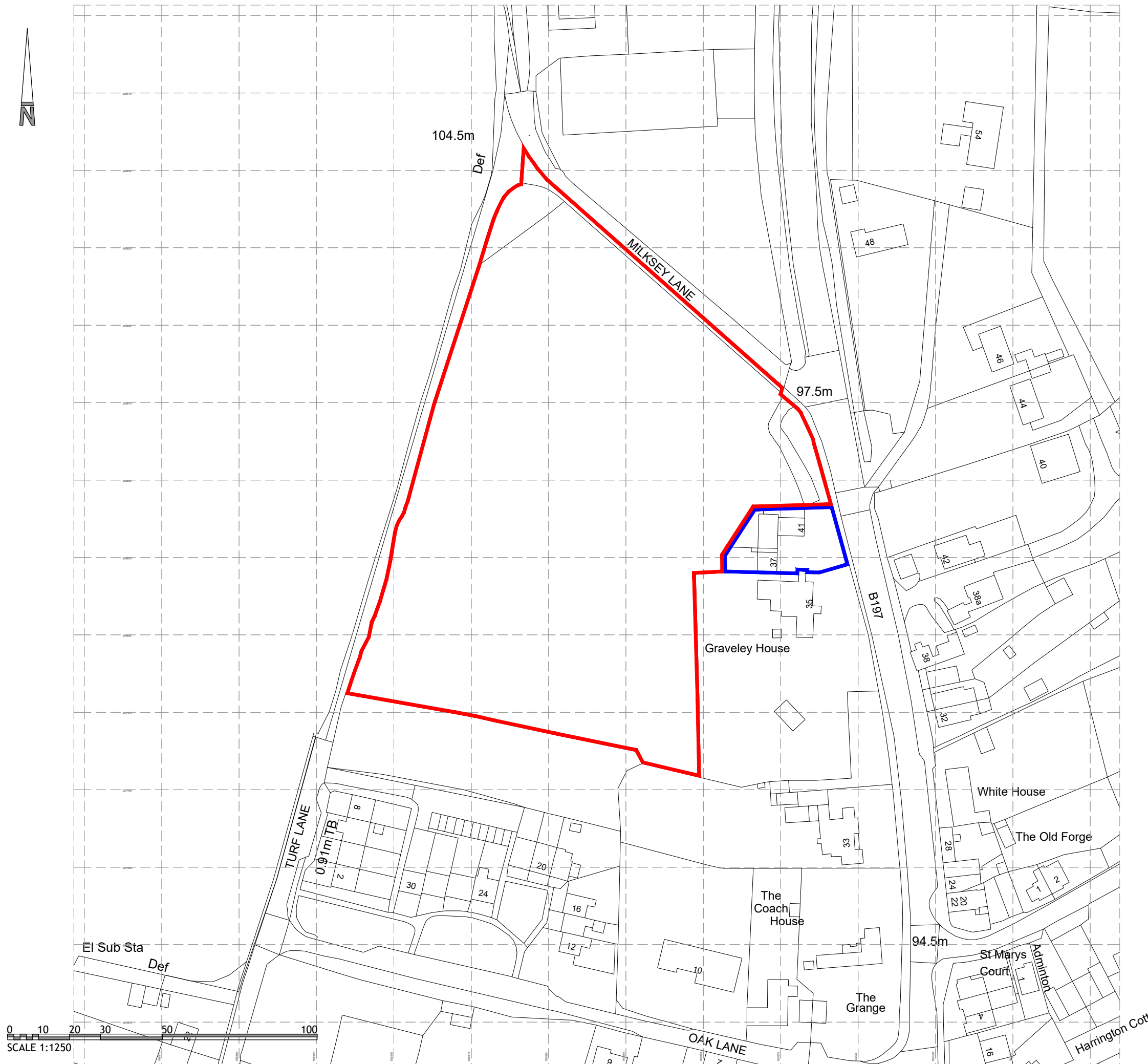
25. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion 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.

Pro-active Statement

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

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NOTES

- Contractors must check all dimensions on site. Only figured dimensions are to be worked from. Discrepancies must be reported to the Architect or Engineer before proceeding. © This drawing is copyright.
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REV	DESCRIPTION	DRN	CHD	DATE	
<input checked="" type="checkbox"/>	PRELIMINARY	<input type="checkbox"/>	INFORMATION	<input type="checkbox"/>	TENDER
<input type="checkbox"/>	CONSTRUCTION	<input type="checkbox"/>	AS BUILT		

SCALE 1:1250 @ A3 DATE July 2021

DRAWN AJS CHK -

DRAWING NO. 18945/1002 REV -

TITLE Land South of Milksey Lane
Graveley

DETAILS Location Plan

 **Woods Hardwick**
 Architecture | Engineering | Planning | Surveying

BEDFORD : HEAD OFFICE
 15-17 Goldington Road
 Bedford MK40 3NH
 T: +44 (0) 1234 268862

BIRMINGHAM
 Fort Dunlop, Fort Parkway
 Birmingham B24 9FE
 T: +44 (0) 121 6297784

ONLINE: mail@woodshardwick.com | woodshardwick.com

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<u>Location:</u>	Land At Police Row Between The Grange And 1 The Grange Police Row Therfield Hertfordshire
<u>Applicant:</u>	Wheatley Group Developments Ltd
<u>Proposal:</u>	Erection of 10 dwellings (6 x 3-bed, 3 x 4-bed and 1 x 5-bed) including creation of vehicular access off Police Row, associated garaging, landscaping, drainage infrastructure and ancillary works (as amended by drawing nos. JBA 23_231 01, JBA 23_231 02, 19251-100A; -101B; -102B; -103B; 104C; -106C; -110B; -113B and -114B received on 09/02/2024, drawing no.SK04 received on 13/05/2024, drawing nos. 19251 - 107D; -1001G; -1002F; -1003F; -1005C received on 17/06/2024, and drawings nos. 19251 - 105D; -111B and -112D received 25/06/2024, drawings nos. 1925 - 1004F received 27th June 2024; and drawing -19328-THER-5-SK001-E received 3rd July 2024).
<u>Ref. No:</u>	23/01885/FP
<u>Officer:</u>	Alex Howard

Date of expiry of statutory period: 8th November 2023

Extension of statutory period: 8th August 2024

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

Reason for Referral to Committee: The site area is larger than 0.5 hectares and therefore the application needs to be presented to Planning Committee for determination, in accordance with the Council's constitution.

1.0 **Site History**

1.1 **15/02010/1** - Application for outline planning permission for residential development (all matters except access reserved) (as amended by plan received on 13 October 2015).

1.2 **Refused – Appeal Dismissed**

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan (The Local Plan) 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP6: Sustainable Transport

Policy SP7: Infrastructure Requirements and Developer Contributions

Policy SP8: Housing
 Policy SP9: Design and Sustainability
 Policy SP10 - Healthy Communities
 Policy SP11: Natural Resources and Sustainability
 Policy SP12: Green Infrastructure, Landscape and Biodiversity
 Policy SP13: Historic Environment
 Policy HS2: Affordable housing
 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 NE5: New and improved public open space and biodiversity
 Policy NE10: Water Framework Directive and wastewater infrastructure
 Policy NE12: Renewable and Low Carbon Energy Development
 Policy HE1: Designated Heritage Assets
 Policy HE4: Archaeology
 Policy TH1: Land at Police Row

2.2 **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

Section 16: Conserving and enhancing the historic environment

2.3 **Vehicle Parking at New Development SPD**

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – 150 formal consultation responses have been received, 148 in objection and 2 neutral, stating the following matters (summary):

- This allocated site should be removed from the Local Plan, as Therfield has organically increased its housing numbers to meet the Local Plan targets.
- The 10 dwellings would bring considerably more cars and people into the modest village, which will put strain on limited services and infrastructure.
- Residents of these dwellings would rely on vehicles for all of their travel, given the lack of public transport and the need to go to Royston for all necessities.
- Police Row is already narrow and congested in terms of traffic, this scheme will make this issue worse.
- There is an existing sewage provision issue which is barely able to meet demand, this scheme will make this issue worse.
- Concern that if this proposal is approved, the remaining parts of the site will also be developed.
- Development on this site has been refused before.
- The road survey that was carried out is not a true reflection of the traffic issues in the village.

- This meadow is known to flood during the winter months, this scheme will make this issue worse.
- The site has an abundance of wildlife which will be impacted by this proposal.
- The proposal will result in harm to the Conservation Area and nearby listed buildings.
- The proposal has not overcome the reasons for refusal from the previous application at this site.
- The proposed access is not safe as it is on the bend on Police Row with poor visibility.
- It would be unsafe for pedestrians to cross Police Row from within the site to the opposite side of the road where the footpath is.
- The development would result in an urbanising effect on this village area which is out of keeping with its character and appearance.
- The proposed access would see considerable loss of the hedgerow fronting Police Row.
- The primary school in the village has no space for additional residents.
- The access is opposite the recreation ground, which has difficulty parking when cricket and football matches are being played, this scheme will make this issue worse.
- The site is a historic water meadow which would be lost by this proposal.
- The inclusion of a gate at the entrance is not in-keeping with the character of the village.
- The scheme proposed a lack of parking spaces internally which will see parking overflow onto Police Row, making existing issues worse.
- During the previous application in 2015, the Senior Conservation officer stated that "development south of Therfield should be resisted as this will cause coalescence with Hay Green".
- The schemes design is misguided.
- Unclear if the scheme would deliver Lifetime Homes or be M4(2) complaint.
- The scheme would result in loss of grazing land.
- The scheme would result in loss of valued amenity space by villagers who walk on it currently.
- Whilst Therfield is a Category A village, it has been recognised as not a sustainable location for major housing development.
- The Inspectors Report from Sept 2022 states *"If any schemes coming forward would lead to unacceptable harm, then the council should reject them. Failure to provide homes here would not lead to any overall delivery shortcoming"*.
- The fact that the site is being considered shows inconsistency within the planning processes (ref Tuthill Court).
- The sites topography is such that the development will be overbearing on existing properties.
- There is no social housing proposed on this scheme.
- The open space detailed in the plans will not be sufficient to mitigate the coalescence.
- It is a core principle of the NPPF, to recognise the intrinsic character and beauty of the countryside, which this scheme does not.
- The proposed low-level lighting near the access is unacceptable as Therfield is a designated 'dark sky' and has no existing street lighting.
- All development should cease until the sewage issue and discharge into the River Rib is resolved.
- There must be suitable brownfield sites nearby that can accommodate development such as this.
- The pond proposed is poorly located with regards to the existing drainage system and it has no amenity value due to the steep sides.

- Consideration that an area should be left to the south of the development to provide space to dissipate the effect of merging Hay Green and Therfield. The tiny amount of space suggested will not achieve this.
- Bird/Bat bricks should be incorporated into the scheme.

3.2 **Hertfordshire Highways** – Initial response was received on the 25th September 2023, objecting to the proposed development on a number of grounds, including as follows:

- The request to provide a 2.0m wide footway on the site’s frontage
- Show how a refuse vehicle could enter the site, manoeuvre, and exit in forward gear.
- Concerns over the proposed gates
- Inclusion of traffic calming measures on the main internal access road
- Consider how pedestrians could cross Police Row which is unlit
- Requested S106 contributions. Hertfordshire’s Planning Obligations Toolkit (2021) sets out that in order for the County to be able to support the very significant amount of new development coming forward over the next few years, a very significant amount of new and improved sustainable transport infrastructure is needed. In high level principle therefore, each new development should make a contribution towards this infrastructure to mitigate its own impact (subject of course to meeting the 3 CIL tests). The headline figure as stated in our Toolkit is £6826 per dwelling (i.e., the average amount each new dwelling across the county needs to pay in order for the necessary new infrastructure to be delivered). Multiply this by 10 dwellings = £68,260 towards North Herts Local Cycling and Walking Infrastructure Plan (LCWIP).

On this basis, amended plans and additional information was submitted and the Highway Authority were reconsulted. A second response was received on the 6th March 2024, commenting on the above matters as follows:

- Inclusion of low-level lighting near to the Police Row crossing is suitable
- The 2.0m wide footway on the sites frontage is not considered necessary given the existing footpath on the opposite side of the highway and the impact this footway would have on the character of the Conservation Area.
- In respect of the proposed gates, these will not have any access controls so no one will be denied access, the gate will be automatic and operated on a pressure sensor. Vehicles will therefore be able to enter and leave the development in forward gear
- Details relating to the removal of the existing verge for access, proposed uncontrolled pedestrian crossing and low-level lighting to be agreed at S278 stage.
- However, concerns remain that the proposed refuse collection arrangement, which would see the refuse vehicle stop on Police Row for a period of time whilst the bins are collected and emptied, would create an obstruction to traffic for a relative period of time and given the narrowness of the carriageway could lead to unsafe manoeuvring to pass by traffic experiencing forward visibility being obstructed by the parked refuse vehicle.

As such, “Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

Until the above information is provided the HA is not in a position to determine the suitability or otherwise of the development

3.3 Therfield Parish Council – Object to the development on a number of grounds (summary):

- Village life would be severely impacted if this development goes ahead.
- The site is one of two meadows left in the village.
- This is a greenfield site, grade 3 agricultural land, on an elevated position.
- Consideration of the previously refused and dismissed application at this site in 2015.
- Therfield has met its housing targets with smaller developments.
- Development on this site would have a significant urbanising effect on Therfield's historical environment and would be at odds with the low-density character.
- BNG of +10% must be demonstrated and the submitted figures are in error.
- The primary school in the village is full.
- The local Sewage Treatment plant is already over capacity and cannot take anymore development.
- The development would seriously impact on the 2 grade II listed buildings that border the site.
- The Flood Risk Assessment was undertaken during a significant dry spell which is not reflective of true conditions.
- Concerns over the proposed access to the site and additional traffic from the proposal.
- Strongly support the view that this site should be removed from the Local Plan.

3.4 Environmental Health (Air Quality/Land Contamination/Environmental Health (Noise)) – No objection subject to conditions covering construction phase days and hours of operation, contaminated land, and EV charging points.

3.5 Archaeological Implications – None received.

3.6 North Herts Waste and Recycling – Consider that a refuse vehicle should be able to enter the site, manoeuvre, and exit in forward gear, given that the bin storage area/pulling distances would be more than 30.0m from some dwellings, citing the following guidance:

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

3.7 Conservation Officer – Initial response received on the 1st September 2023, raising a number of concerns and considerations relating to the layout, appearance, and scale of built form.

Following a meeting with the applicants, agents, and the Conservation Officer, amended plans were submitted for consideration. Further discussions were had on these amended plans and further less significant changes were sought and on the basis of the most recent amended plans, a 2nd formal comment was received on the 24th June 2024, concluding as follows subject to conditions:

“I have sought to ensure that new development makes a positive contribution to local character and distinctiveness, and I have given great weight to the conservation of heritage assets. On balance, although there will be some harm occasioned to the setting of TCA [Therfield Conservation Area] this is considered less than substantial but I acknowledge that this is an allocated site in the Local Plan and that the number of units proposed is two less than the dwelling estimate in the Local Plan. Furthermore, in accordance with Policy TH1, I consider that i) the design of the scheme is sufficiently sensitive to the nearby listed buildings and their setting, ii) coalescence between

Therfield and Hay Green is avoided and iii) the scheme will on balance, form a reasonably sensitive entrance to the Conservation Area.

*I, therefore, raise **NO OBJECTION** on the basis that the scheme satisfies Section 66(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031”.*

3.8 Historic England – An initial response was received on the 5th October 2023, concluding as follows:

“Historic England would not wish to object to the application in principle but has concerns regarding the application on heritage grounds We are content for further negotiation of the scheme to be taken forward by Council officers but would support further exploration of the courtyard form of layout by which overly domestic elevations might be avoided on the side facing open countryside”.

Following re-consultation on the amended plans, a 2nd representation was received on the 1st March 2023, stating as follows:

“Thank you for consulting Historic England on the revised details of the above application. We are pleased to see the applicant has amended the layout following our advice that the courtyard plan form should be explored further and think this is an improvement to the scheme overall. As regards the form and design detail of the individual building there may still be room to improve these but we do not wish to make any further comment, but would support the Council’s conservation officer in seeking any further improvements prior to the Council’s determination of the application”.

3.9 North Hertfordshire Ecology – No objection subject to conditions covering a CEMP and LEMP. Also note that the applicant will be required to apply to the Natural England District Level Licensing (DLL) given the presence of Great Crested Newts, which must be provided prior to determination.

3.10 Hertfordshire Growth and Infrastructure – Following internal and external deliberations with the District Council, agent and the County Council, an amended response was received on the 18th June 2024. The response seeks no affordable housing contributions but requests the following S106 obligations:

“First Education Contribution towards the expansion of Therfield First School and/or provision serving the development (£80,727 index linked to BCIS 1Q2022)

Middle Education Contribution towards the expansion of King James Middle School and/or provision serving the development (£74,967 index linked to BCIS 1Q2022)

Upper Education Contribution towards the expansion of King James Upper School and/or provision serving the development (£93,283 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£14,058 index linked to BCIS 1Q2022)

Library Service Contribution towards increasing the capacity of Royston Library and/or provision serving the development (£2,511 index linked to BCIS 1Q2022)

Youth Service Contribution towards increasing the capacity of Royston Young People's Centre and/or provision serving the development (£2,850 index linked to BCIS 1Q2022)

Waste Service Transfer Station Contribution towards the new northern transfer station and/or provision serving the development (£1,717 index linked to BCIS 3Q2022)

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”.

3.11 **North Herts Planning Transport Policy Officer** – None received.

3.12 **Thames Water** – None received.

3.13 **Local Lead Flood Authority** – An initial response was received on the 14th September 2023, objecting to the development on a number of grounds.

On this basis, amended plans and further information were submitted and following two-re-consultations, the LLFA maintained their objection in formal responses received 28th February 2024 and 3rd April 2024.

Following further discussions between the applicant, agent and the LLFA, further information was submitted for consideration. On the basis of the most recent information, the LLFA provided a final formal comment on the 19th June, stating no objection subject to conditions covering surface water drainage, a temporary drainage method statement for during construction, and verification of the agreed drainage details upon completion.

3.14 **North Hertfordshire Planning Policy** – Guidance given on all relevant Local Plan policies.

3.15 **Conservators of Therfield Heath and Greens** – Object to the proposal but would seek improvements to the highway to widen it on the western side and include car parking provision on the highway as part of any widening to accommodate increased vehicles.

3.16 **Herts Fire and Rescue** – None received.

3.17 **Hertfordshire County Council Minerals and Waste** – Request condition relating to a SWMP.

3.18 **Herts and Middlesex Wildlife Trust** – *“Objection: Biodiversity net gain not demonstrated, in conflict with the North Herts Local Plan, Developer Contributions SPD or NPPF.*

In accordance with NPPF para 174, this development must demonstrate a net gain in biodiversity. This must be shown by utilising the Natural England Biodiversity Metric, as set out in the NHDLP and Developer Contributions SPD. In accordance with the Environment Act 2021 and the Developer Contributions SPD, a net gain should be a 10% increase in habitat units

The proposal has also not demonstrated that buffers of 12m will be provided to the hedgerows, as required by the local plan.”

3.19 **North Herts Housing Supply** – General advice given.

4.0 **Planning Considerations**

4.1 Site and Surroundings

- 4.1.1 The application site is situated on the south-eastern side of Therfield, measuring 1.13 hectares. The site's eastern boundary is adjacent to Police Row, to the north of the site lies the Grade II listed building, The Grange, with the southern boundary comprising of an existing dwelling, and the western boundary being protected by existing hedgerow and trees, beyond which lies a Public Right of Way connecting Therfield to the wider footpath network to the south. The site is on an elevated position relative to Police Row but is largely flat.
- 4.1.2 The site is within the settlement boundary of Therfield which is identified as a Category A village in the Local Plan. The site is adjacent to, but not within, the Conservation Area.
- 4.1.3 The site has been allocated for residential development in the North Hertfordshire Local Plan 2011-2031, which was adopted in November 2022. The site is allocated under Policy TH1 for approximately 12 dwellings.

4.2 Proposal

- 4.2.1 Full planning permission is sought for the erection of 10 dwellings (6 x 3-bed, 3 x 4-bed and 1 x 5-bed) including creation of vehicular access off Police Row, associated garaging, landscaping, drainage infrastructure and ancillary works (as amended by drawing nos. JBA 23_231 01, JBA 23_231 02, 19251-100A; -101B; -102B; -103B; 104C; -106C; -110B; -113B and -114B received on 09/02/2024, drawing no.SK04 received on 13/05/2024, drawing nos. 19251 - 107D; -1001G; -1002F; -1003F; -1005C received on 17/06/2024, drawings nos. 19251 - 105D; -111B and -112D received 25/06/2024, drawings nos. 1925 - 1004F received 27th June 2024; and drawing -19328-THER-5-SK001-E received 3rd July 2024).
- 4.2.2 The scheme would be facilitated by a new access onto Police Row through the existing mature hedgerow, which would lead into the development which has been designed to resemble an agrarian farmyard/courtyard appearance. To the south of the built form a large area of open green space is proposed to incorporate new tree planting and an informal footpath, to aid in the visual separation from Hay Green.
- 4.2.3 The application is supported by the following documents:
- Planning Statement
 - Design & Access Statement
 - Road Safety Audit Stage 1
 - Transport Statement
 - Flood Risk Assessment & Drainage Strategy
 - Heritage Assessment
 - Energy Statement
 - Landscape Proposals
 - Ecological Appraisal
 - Biodiversity Net Gain Assessment
 - Arboricultural Survey & Impact Assessment
- 4.2.4 Amended plans and further information has been submitted during the course of this application in an effort to overcome objections raised from consultees, particularly the Highway Authority, LLFA and the Conservation Officer.

4.3 Key Issues

- 4.3.1 The key issues for consideration are the

- The Principle of Development
- The Planning History
- The Impact on Designated Heritage Assets
- The Visual Impact on the Character of the Area
- Design, Layout and Landscaping
- Living Conditions
- Open Space Management
- Highways, Access, and Parking
- Ecology
- Archaeology
- Surface Water Drainage/Flooding
- Housing Mix
- Waste and Recycling
- Climate Change/Sustainability
- Planning Obligations
- Other Matters
- Planning Balance

Principle of Development

- 4.3.2 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The National Planning Policy Framework (NPPF) is a material consideration and is considered to be consistent with the Local Plan, also attracting significant weight.
- 4.3.3 Policy SP1 of the Local Plan supports the principles of sustainable development and seeks to maintain the role of key settlements as the main focus for housing and to ensure the long-term vitality of the villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities. The policy elaborates on this stating that planning permission will be granted for proposals that deliver an appropriate mix of homes, create high quality development that respects and improves their surroundings and provides for healthy lifestyles, provides for necessary infrastructure to support an increasing populations, protects key elements of the District's environment including biodiversity, important landscape, heritage assets and green infrastructure, the mitigates the impact on climate change.
- 4.3.4 The site is allocated for residential development in the Local Plan under Policy TH1 for approximately 12 dwellings and by virtue of this allocation, the site is within the settlement boundary of the village. Therfield is a designated Category A village where under Policy SP2 of the Local Plan, it states that "*general development will be allowed within the defined settlement boundaries*".
- 4.3.5 The site-specific criteria for this allocated site set out under Policy TH1, which will be considered in turn within the body of this report, are as follows:
- Sensitive treatment of western boundary to maintain integrity of Footpath Therfield 022;*
 - Any infiltration drainage SuDS (or other features) must have regard to Environment Agency groundwater bore holes;*
 - Design with sensitivity to the nearby listed buildings and their setting;*

- *Retain open space to the southeast corner of the allocation from the edge of the hedgerow of the western boundary and directly eastwards to Police Row, to prevent coalescence between Therfield and Hay Green;*
 - *An assessment of the impact of development on the Therfield Conservation Area must be undertaken to address the opportunity to make a sensitive entrance to the Conservation Area; and*
 - *Archaeological survey to be completed prior to development.*
- 4.3.6 The proposal is for 10 dwellings, which is just short of the estimate for 12 dwellings as set out in Policy TH1 of the Local Plan. The policy estimates for allocated sites are a guide for developers, with many sites being submitted and considered under or over their respective estimations based on the site characteristics and policy criteria for acceptable development. As such, the modest shortfall of dwellings in this scheme compared to the policy estimate is considered acceptable. This is also covered in Paragraph 8.3 of the Local Plan.
- 4.3.7 Overall, it is considered that the principle of development is acceptable, given the sites allocation within the Local Plan and its location within the settlement boundary of a Category A village. Therefore, there is no conflict with Policy SP2 of the Local Plan. It is further considered that there is no conflict with the principle of Policy TH1.

The Planning History

- 4.3.8 The site was the subject of a previous application under ref: 15/02010/1 for outline planning permission for 26 dwellings with all matters reserved. This application was refused and subsequently dismissed at appeal in February 2016.
- 4.3.9 At the time of these previous decisions, this site was under consideration to be an allocation in the Emerging Local Plan, which the Council and Inspectors gave limited weight to in the absence of an adopted Local Plan. The fundamental difference between this previous decision/appeal and this current proposal is that the site is within the defined settlement boundary and allocated for housing in the adopted Local Plan. This is a significant material consideration in favour of development of this site, even in the context of the previous application that was refused and dismissed at appeal for several reasons.

Impact on Designated Heritage Assets

- 4.3.10 Policy SP13 of the Local Plan states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset’s conservation and the management of its setting”*. This reflects paragraph 205 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Policy HE1 of the Local Plan states that *“Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset’s optimum viable use”*. This is reinforced by paragraph 208 of the NPPF.
- 4.3.11 The site is adjacent to, but not within, the Conservation Area. Therefore, consideration is given as to the impact of the proposal upon this heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires that in the exercise of planning powers, in conservation areas *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*. It does not address the setting of conservation areas. Whereas Section 66 (1) of the LBCA Act requires that when considering whether to grant planning permission which

affects a listed building, or its setting special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.3.12 In this respect, Policy TH1 sets out the following site-specific requirements insofar as they relate to designated heritage assets:

- Design with sensitivity to the nearby listed buildings and their setting*
- An assessment of the impact of development on the Therfield Conservation Area must be undertaken to address the opportunity to make a sensitive entrance to the Conservation Area;*

4.3.13 The site is within the setting of two listed buildings, namely The Grange to the north and The Thatch to the east, both of which are grade II. The site is adjacent to, but not within, the Therfield Conservation Area. The Conservation Area boundary runs from the southern boundary of The Grange immediately adjacent to the mature hedgerow which fronts this site on Police Row for approx. half of the site's frontage with the highway, before turning east around the curtilage of The Thatch. Historic England and the Council's Conservation Officer were formally consulted on this application.

4.3.14 The proposal has evolved considerably from its original submission through several meetings with Council officers, following a number of formal comments from the Council's Conservation Officer and Historic England. The submitted farmyard/courtyard concept, which, as set out by the applicants, is not attempting to replicate a historic farmstead that has then been converted, but instead deliver a development of bespoke dwellings that reflects an agrarian character to the public realm (i.e. an inward-looking development) whilst also having an outward looking southern boundary onto the area of open space, is considered acceptable to Historic England and the Conservation Officer. The farmyard principle has been used as a concept to inform the shape, appearance, and massing of the proposal, with the majority of buildings at 1.5 storey in height and two buildings at two-storey which reflects a farmyard with the main farmhouse building and smaller associated ancillary barns/outbuildings. The agrarian farmyard concept is considered to be suitable in this rural village adjacent to a Conservation Area and close to two grade II listed buildings.

4.3.15 The development would be set away from The Grange to the north where a generous amount of open space outside the site is retained, whilst also seeing the built form closest to this property no taller than 1.5 storey, which is deemed acceptable. In respect of The Thatch to the east of the site, the proposal has sought to reflect its orientation to Police Row for the three dwellings on the southern boundary facing the open space, to create an entrance to the village and Conservation Area from the south. The proposed dwellings closest to the eastern boundary of Police Row would also be set back considerably and also be 1.5 storey, which is considered acceptable. In their formal consultation response, the Conservation Officer has concluded that *"Furthermore, in accordance with Policy TH1, I consider that i) the design of the scheme is sufficiently sensitive to the nearby listed buildings and their setting"*.

4.3.16 In respect of the proposed access onto Police Row, this will inevitably change the character and appearance of the Conservation Area. At present, the mature hedgerow that fronts the highway makes a positive contribution to the immediate locality and it is stated in the submitted details that approx. 75.0m of the hedgerow will need to be removed to facilitate the proposed access, required visibility splays, and pedestrian crossing area. Whilst the Council acknowledge that this will lead to a marked change to the character of the area, the site is allocated for residential development in the Local Plan and must be served by a suitable and safe access. It is considered that the proposed access is as sensitively designed as it can be given what is required by the

Highway Authority and will include cobbled sets on the access road and replacement planting of trees and hedgerows either side of the proposed access, which will contribute to the rural character of the Conservation Area once mature. Furthermore, in their formal consultation response, the Conservation Officer has concluded that *“the scheme will on balance, form a reasonably sensitive entrance to the Conservation Area”*.

4.3.17 As such, the following concluding remarks from the Conservation Officer in their comment dated 24th June 2024 are as follows:

“I have sought to ensure that new development makes a positive contribution to local character and distinctiveness, and I have given great weight to the conservation of heritage assets. On balance, although there will be some harm occasioned to the setting of TCA this is considered less than substantial but I acknowledge that this is an allocated site in the Local Plan and that the number of units proposed is two less than the dwelling estimate in the Local Plan. Furthermore, in accordance with Policy TH1, I consider that i) the design of the scheme is sufficiently sensitive to the nearby listed buildings and their setting, ii) coalescence between Therfield and Hay Green is avoided and iii) the scheme will on balance, form a reasonably sensitive entrance to the Conservation Area.

*I, therefore, raise **NO OBJECTION** on the basis that the scheme satisfies Section 66(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031”.*

4.3.18 Therefore, whilst the Council acknowledge that the proposal would result in some harm to the setting of the Conservation Area, this is considered to be less than substantial and must be weighed against the public benefits of the proposal, in accordance with Policy HE1 of the Local Plan and Section 16 of the NPPF, particularly paragraph 208. This balance will be undertaken at the end of this report.

The Visual Impact on the Character of the Area

4.3.19 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site’s local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.

4.3.20 In this respect, Policy TH1 sets out the following site-specific requirements insofar as it relates to the visual impact of the development on the character of the area:

- *Retain open space to the southeast corner of the allocation from the edge of the hedgerow of the western boundary and directly eastwards to Police Row, to prevent coalescence between Therfield and Hay Green;*

4.3.21 The site is currently an open, flat paddock sited behind the mature hedgerow that fronts Police Row. The proposal for 10 dwellings and associated facilitating development, including the formation of an access onto Police Row and wider landscaping, will result in a marked change to the visual character of the area. The dwellings proposed to be sited either side of the main internal access road (Plots 1 and 9) and the three dwellings on the southern part of the site facing the open space (Plots 6, 7 and 8), will be the most visible from all parts of Police Row when entering from the north or south, with the remaining dwellings (Plots 2, 3, 4, 5, and 10) set back and/or screened by other development to a fair degree. The formation of the access onto Police Row, as discussed in the above section, will be a notable change to the character and appearance of the area. The proposal includes a large area of open space in the southeast corner of the site and includes an area of open space immediately behind the hedgerow fronting Police

Row. The site is on an elevated ground level from Police Row and therefore any perceived visual impact will be somewhat heightened.

4.3.22 The Council consider that the scheme is sensitively designed in scale, form and appearance and built form and landscaping would be sited in appropriate locations such that, whilst the proposal would result in a material change to the visual character of the area, this impact would be acceptable in planning terms. The access off Police Row with sensitive landscape planting leading to the pair of proposed inward facing semi-detached dwellings either side of this access road (Plots 1, 2, 9 and 10), would be a positive entrance into the development maintaining an element of symmetry with built form on each side and the main farmhouse visible in the centre as one travels into the site, which is reflective of the farmyard concept. The main farmhouse dwelling and smaller dwellings on either side (Plots 3, 4 and 5) would be well proportioned and also reflect the farmyard concept. The three dwellings on the southern boundary of the site facing onto the area of open space (Plots 6, 7 and 8) would be sited to reflect the orientation of the most southerly existing dwelling on this part of Police Row, The Thatch, and provide an interesting elevation as one enters Therfield from the south with built form gradually increasing in size from Police Row to the west of the development and a visual break between Plots 7 and 8. These three southern dwellings have been carefully considered by the Council, particularly in consultation with the Conservation Officer, to the point where they are considered acceptable. Whilst the Council acknowledge that the site is on an elevated position relative to Police Row, the predominantly 1.5 storey form and set-back distances from the highway and closest neighbours is such that this visual impact would be suitable in this instance.

4.3.23 It is considered that the large area of open space in the southeast corner of the site, coupled with the areas of open space between the dwellings closest to Police Row (Plots 1, 8 and 9) and the highway itself, would soften the visual impact of the development when viewed from several aspects on Police Row. The primary area of open space in the south-eastern corner is a positive aspect of this scheme and directly aligns with the Policy requirements of TH1, to prevent coalescence between Therfield and Hay Green, which is a view shared by the Conservation Officer in his most recent consultation response, stating “*coalescence between Therfield and Hay Green is avoided*”.

4.3.24 As such, whilst it is acknowledged that the development will result in a marked change to the visual character of the area, it is considered that the proposal is well designed in form and layout with considerable landscaping and open space such that it will have an acceptable impact on the rural visual character of the area. The scheme as a farmyard concept with suitable built form and appearance would respond positively to the site’s local context. Therefore, there is no conflict with Policies D1 and SP9 of the Local Plan.

Design, Layout and Landscaping

4.3.25 Policy TH1 sets out the following site-specific requirements insofar as it relates to the layout and landscaping of the proposal:

- Sensitive treatment of western boundary to maintain integrity of Footpath Therfield 022;

4.3.26 As stated, the design and layout of the proposal is centred around a farmyard concept with a main farmhouse dwelling and another dwelling (Plots 4 and 6) at two-storey, and the remaining dwellings comprising the ancillary barns and outbuildings at 1.5 storey. The main farmhouse buildings would exhibit traditional form and character, with dual

pitched roofs and finished in brick and dark tiles, whereas the remaining dwellings would have dual-pitched roofs with some hipped/half hipped forms and catslide dormers and be finished in a mixture of brickwork and timber weatherboarding and red roof tiles. There are some modest contemporary inclusions in the form of large, glazed windows, notably on Plot 4. The dwellings would have varying orientations but would establish an inward facing courtyard type development for the majority of the dwellings, with the three dwellings on the southern part of the site being the anomaly that would face onto the area of open space instead. The dwellings would all have reasonable sized rear gardens and would collectively benefit from the public open space.

4.3.27 Following considerable amendments to the scheme after several meetings with the applicants, agents, and Council Officers, it is considered that the layout, design, and scale of the proposed development is acceptable in planning terms. The 1.5 storey height for the majority of the dwellings is appropriate for this site which looks to reflect a farmyard concept and is on an elevated position. The design, form, and materials palette would reflect the traditional rural character of Therfield, whilst also allowing for some architectural interest and variety. The layout of the site allows for a sizable amount of public open space to the southeast to maintain a rural setting. The dwellings would also have gardens of an acceptable size and on the whole, the proposal would accord with SP9 and D1 of the Local Plan and Section 12 of the NPPF in terms of the design and layout of the scheme.

4.3.28 With a site area of 1.13 HA, the proposal would have a density of 9 dwellings per hectare. In my opinion, this low density of development would be appropriate for this village setting, especially when considering the generous amount of open space and garden sizes.

4.3.29 It is proposed to erect a post and rail fence along the western boundary with a hedgerow behind. This is considered to be an appropriate and sensitive treatment of this boundary to maintain the integrity of the footpath 022, in accordance with the Policy requirement set out under TH1.

4.3.30 The submitted Landscaping Plan and Surface Materials Layout shows the extent of hard and soft landscaping across the proposed development, including the large area of open space to the southeast which is a Policy TH1 requirement and a significant benefit. The extent of hardstanding within the site is limited to the access roads and driveways, which is acceptable, given the varied use of high-quality materials to differentiate between the different internal spaces such as the road, driveways, and threshing yard. In terms of new soft landscaping, the landscape plan shows tree planting within the open space area, trees, and hedgerow planting either side of the access as a replacement to the approx. 75m of existing hedgerow to be removed, on the western borders of the site adjacent to the neighbouring footpath, tree/shrub planting within the front garden areas of the proposed dwellings and retention of the remaining hedgerow that fronts Police Row. It is considered that the landscaping plan is acceptable in planning terms and meets the requirements of Policy NE1 of the Local Plan.

Living Conditions

4.3.31 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.

4.3.32 In terms of the layout of the proposed dwellings relative to the immediate neighbours, the site would be directly in front of The Thatch, Chestnut House, Hygee and Maple House, whilst also being directly south of The Grange and due north of 1 The Grange.

- 4.3.33 The built aspect of this development has been appropriately limited to 1.5 storey and located such that there would be significant separation distances between Plots 1, 2 and 3 and The Grange, Maple House and Hygee, between Plots 8 and 9 and The Thatch and Chestnut House, and between Plots 6, 7 and 8 and 1 The Grange. As such, given the separation distances between the proposed dwellings and the respective neighbours, whilst it is acknowledged that these dwellings will be visible from these immediate neighbours, it is considered that the development would not give rise to any material harm to the living conditions and well-being of these neighbours, with respect to overdominance, loss of privacy and loss of daylight/sunlight.
- 4.3.34 All the dwellings would exceed the nationally prescribed minimum space standards depending on their no. of bedrooms/persons, would benefit from a suitable size and type of private amenity space, and all habitable rooms would benefit from acceptable levels of natural light. Therefore, the proposal would not result in unacceptable harm to the reasonable living conditions of future occupiers.
- 4.3.35 The proposal would therefore accord with Policy D3 of the Local Plan.

Open Space Management

- 4.3.36 The proposal incorporates a large amount of open space, which would need to be managed if permission is granted for this scheme. The applicants have stated that the open space will be managed by a management company that will be controlled by the residents, as it would be unlikely for the District Council to adopt this open space, as it is not located within the main towns. In the event that permission is granted, the management of this space will be secured by a Section 106 obligation.

Highways, Access, and Parking

- 4.3.37 The application has been submitted with a Transport Statement which has concluded that there would not be unacceptable impacts upon the highway network as a result of this development. A further impact assessment was also undertaken to calculate vehicular trip generation for the site, which concluded that the 10 dwellings are anticipated to generate a total of 6 two-way trips in the AM peak hour and 5 two-way trips in the PM peak hour. The proposed access that is proposed onto Police Row is to be via a priority 'T' junction, designed to adoptable standards. This will be a 5.5m wide carriageway with visibility splays of 2.4m x 49m, reflecting the results of a speed survey carried out on the highway. The application site is situated on land raised above the level of carriageway, which will require engineering works to the site to create a bank on either side of the access that allows the required visibility.
- 4.3.38 The Highway Authority were consulted on this application and an initial response was received on the 25th September 2023, acknowledge the conclusion of the Transport Statement but objecting to the proposed development on a number of grounds, including a request to provide a 2.0m wide footway on the site's frontage, show how a refuse vehicle could enter the site, manoeuvre, and exit in forward gear, concerns over the proposed entrance gate, the inclusion of traffic calming measures on the main internal access road, consider how pedestrians could cross Police Row which is unlit, and requested S106 contributions.
- 4.3.39 On this basis, amended plans and additional information was submitted in an attempt to alleviate these concerns, including a formal response from the agent which stated as follows:

"In response to the highway's comments, it is now proposed to include appropriate low-level lighting beside the pedestrian crossing. The request to incorporate a 2-metre-wide

footpath along the site's full frontage with Police Row is not considered to be appropriate. This is not considered necessary to make the development acceptable in planning terms and it is also submitted that this would have a significant adverse impact upon the character of the area and the entrance to the conservation area, as confirmed by the case officer and conservation officer in our meeting.

With respect to access for the refuse vehicle, the proximity of the bin collection points to the site access is such that the refuse vehicle would stop on Police Row to collect refuse and there would be no need for the vehicle to enter the site. Finally, in respect of the proposed gates these will not have any access controls so no one will be denied access, the gate will be automatic and operated on a pressure sensor. Vehicles will therefore be able to enter and leave the development in forward gear”.

4.3.40 The Highway Authority were re-consulted on the above response. A second formal response was received on the 6th March 2024, commenting on the above matters as follows:

“The drawing shows the extent of the existing verge to be removed to provide the required visibility splays, proposed uncontrolled pedestrian crossing point with low level lighting details to be confirmed at S278 submission stage and a ramp to shared surfacing, and cobbled setts access strip demarcating transition from adoptable highway to private drive and the proposed gates these will not have any access controls so no one will be denied access, all these measures address most of the issues raised by the HA.

The applicant does not consider it appropriate to provide footway along the site's frontage, however given there is a footway along the eastern side of Police Row and the applicant is proposing a footway along the site's vehicle access bellmouth with a pedestrian crossing point to get across to the eastern footway, the HA considers that these mitigating measures are sufficient to provision safe crossing provision for pedestrians.

However, the HA on highway safety grounds will not accept refuse to be collected from Police Row, this would create an obstruction to traffic for a relative period of time and given the narrowness of the carriageway could lead to unsafe manoeuvring to pass by traffic experiencing forward visibility being obstructed by the parked refuse vehicle. It is a new build development and consequently higher standards of design, build and safety are expected from new developments therefore all servicing should be from within the development's curtilage

The HA believes that there is sufficient scope for the applicant to satisfactorily address the above requirements and therefore could be conditioned, however the applicant may not agree with the above requirement, so until the applicant clarifies acceptance of the above comments in a design and access statement the HA cannot support the application as submitted”.

4.3.41 However, whilst the incorporation of low-level lighting by the applicants is considered acceptable to the Highway Authority, it is of particular note that Therfield does not benefit from any kind of street lighting at all which is part of its rural, village character. Based on the responses from the residents of Therfield, this lack of lighting is not a safety issue and is in-keeping with this prevailing character. Therefore, on balance, this low-level lighting has been omitted from the proposed plans to ensure that the dark skies of the village are maintained, which is not considered to result in material harm or safety concerns to existing and future residents, given the modest increase in number of new dwellings and associated vehicle movements

- 4.3.42 As such, whilst the applicant has appealed the Highway Authority insofar as it relates to the request for a 2.0m wide footway, the entrance gate, and traffic calming measures, it is acknowledged that the Highway Authority are maintaining their objection on the basis that a refuse collection vehicle cannot enter the site, manoeuvre, and leave the site in forward gear and the proposed arrangement is instead to have the refuse collection vehicle stop on Police Row whilst refuse is collected, which is considered to be a safety issue and unacceptable in the view of the Highway Authority. As a result, the Highway Authority are not providing any wording for suitable conditions relating to highway matters.
- 4.3.43 In response, Planning Officers have considered this matter at length. It is acknowledged that ideally from a highway safety perspective, new developments should normally be serviced from within. However, refuse is already collected from Police Row for the properties on the opposite side of the road with the refuse vehicle stopping on the highway for a short period of time. This proposed arrangement for the new development would mean that the refuse vehicle and workers would need slightly more time on the highway to pick up the waste from the storage areas near the proposed access for the 10 dwellings. This additional amount of time is not deemed to be significantly above what is already occurring on Police Row. Furthermore, the applicants have submitted a draft plan which shows two potential manoeuvring options for a refuse vehicle (ref: Supporting Information - 19328-THER-5-SK002 Refuse Tracking Drawing_DRAFT). The plans identify that neither is possible and to provide one would require the layout to be significantly 'loosened' which would be a significant retrograde step for the scheme. This would adversely affect the whole design concept for the site that has been negotiated/discussed over many months to align with planning and conservation requirements. Therefore, acknowledging that this is the primary reason for the Highway Authorities' objection, it is considered that this objection from Highways on refuse collection arrangement grounds is not a sustainable reason for refusal of planning permission when assessing the scheme as a whole, and therefore would be difficult to sustain in an appeal scenario.
- 4.3.44 In respect of parking provision, the submitted Parking Strategy plan identifies that each dwelling apart from plots 7 and 8 would benefit from 2 on-plot car parking spaces, with plot 7 and 8 benefitting from a single on-plot parking space per dwelling. This would total 20 on plot parking spaces. The plan also identifies the provision of 8 on-plot garage spaces for Plots 4, 5, 6, 7 and 8. Finally, the plan also identifies the provision of 5 visitor parking spaces around the site which has been calculated on the basis of 0.5 spaces per dwelling seeing as 5/10 of the dwellings benefit from garages, which is considered reasonable in this instance. Overall, the on plot and garage parking provision equates to 2.8 spaces per plot on average which exceeds the 2 spaces required under Policy T2 of the Local Plan. As such, the proposed parking provision is considered acceptable.
- 4.3.45 As stated above, the Highway Authority have not provided the Council with any conditions as they are maintaining their objection. It is therefore down to the Council, as the decision-making authority, to consider the imposition of suitably worded conditions that cover highway safety matters.

Ecology

- 4.3.46 This application was submitted with a full biodiversity metric and preliminary ecological impact assessment. The BNG Assessment that has been carried out using the Defra Biodiversity Metric 4.0 shows an overall biodiversity net gain of 206.81% for habitat units and 363.56% for hedgerow/linear features. Following consultation with the North Herts Ecologist, they formally commented stating that it is evident that the site can deliver net gains in biodiversity and that in addition to mitigating the loss of hedgerow, a number of ecological enhancements are proposed including the creation of species rich grassland,

an orchard, wet habitat and the inclusion of bat and bird boxes on new dwellings. This application was submitted prior to the 12th February 2024 which made Biodiversity Net Gain mandatory for major development, which means that the fact the site can deliver in excess of this requirement, is a considerable benefit.

4.3.47 The Council's Ecologist has provided suitable wording for conditions that cover a Landscape and Environmental Management Plan (LEMP) and a Construction Environment Management Plan (CEMP0, which is considered reasonable in this instance.

4.3.48 It is also stated in the formal response that the scheme has the potential to have an impact on Great Crested Newts. The proposed mitigation for this impact is through applying to join Natural England District Level Licensing (DLL) scheme, which is considered acceptable to the Council. However, in order to attach a condition to address any potential for GCN on site an Impact Assessment and Conservation Payment Certificate from Natural England will be required, which must be provided prior to determination. It is therefore recommended that this proposed development is put before the Planning Committee with a resolution to grant planning permission, subject to the completion of the application to join the Natural England District Level Licensing (DLL) scheme and receipt of the Impact Assessment and Conservation Payment Certificate. This is considered reasonable and would run alongside work on the S106 agreement, should planning permission be granted.

4.3.49 Overall, it is considered that the proposed development can deliver considerable net gains in biodiversity and subject to the above conditions and measures, will have an acceptable ecological impact, in accordance with Policy NE4 of the Local Plan.

Archaeology

4.3.50 The site has been the subject of trial trenching in 2019, which demonstrated the presence of low density remains. The applicants state that those remains are not considered to be of a quality or rarity that would warrant statutory protection or the refusal of planning permission. However, a further limited programme of recording on the site is recommended as mitigation.

4.3.51 In this respect, Policy TH1 sets out the following site-specific requirements insofar as it relates to the archaeological implications on this site:

- Archaeological survey to be completed prior to development.

4.3.52 As such, the site has already been surveyed for archaeological purposes and the quality/rarity of findings have been found to be low. The application has not been submitted with an Archaeological Survey Report and the County Council Historic Environment Team have not provided formal comments. On this basis, it is considered reasonable to enforce a programme of recording of the site via condition as suitable mitigation.

Surface Water Drainage/Flooding

4.3.53 The site lies within Flood Zone 1 and given the scale of development, a Flood Risk Assessment and drainage strategy was submitted. The Lead Local Flood Authority (LLFA) was consulted on this application and formally responded, initially objecting to

the proposal for several reasons including surface water, SuDs features, rainfall calculations and a detailed drainage strategy. Through several submissions of further information and re-consultations, the LLFA provided a final formal comment on the 19th June, stating the following:

"We understand the applicant has undertaken infiltration testing on the proposed site in accordance with BRE365 standards. The applicant shows that the infiltration is impractical due to the topsoil being overlying sands/sandy gravelly clay and trial pits evidencing that clay stretched 25m deep on an area of the site. The proposed the drainage strategy will comprise of a piped network with attenuation provided in an online detention basin. The applicant is proposing a detention pond with attenuation of a volume up to 227m³, which is suggested to be sufficient to accommodate storms up to an including the 1 in 100-year +40% climate change event. It is proposed that the detention pond will connect to the Thames foul network, discharging at 1.0l/s in line with greenfield runoff rates. The applicant has proposed the use of low flow channels and micro pool for water quality purposes.

We would recommend the following conditions if permission is granted".

4.3.54 As such, the objections from the LLFA as set out in the initial and subsequent formal consultations have been overcome, such that the LLFA are recommending conditions covering surface water drainage, a temporary drainage method statement for during construction, and verification of the agreed drainage details upon completion, should planning permission be granted.

4.3.55 In this respect, Policy TH1 sets out the following site-specific requirements insofar as it relates to flooding considerations of this development:

- Any infiltration drainage SuDS (or other features) must have regard to Environment Agency groundwater bore holes;

4.3.56 The applicants have submitted a comprehensive drainage strategy that the LLFA have considered acceptable, subject to conditions as evidenced above. This strategy would have regard to the Environment Agency groundwater bore holes, in accordance with the aforementioned policy requirement.

4.3.57 Thames Water were consulted on this application as well but did not provide comment. As such, whilst it is further noted that local residents have raised concerns about the flooding that occurs on this site at present and local water/sewage system, it is considered that there are no sustainable reasons to refuse planning permission based on impact on surface water drainage or water/sewerage services, given the latest formal response from the LLFA.

Housing Mix

4.3.58 The proposed development would provide 10 new dwellings, 6 x 3-bedroom, 3 x 4-bedroom and 1 x 5-bedroom. There is no Affordable Housing proposed as part of this submission, as Policy HS2 of the Local Plan states that housing schemes of between 11 and 14 dwellings to provide 25% of the total number of dwellings to be affordable and provided on-site, which sees this development below the threshold.

4.3.59 Whilst the Council's Housing Officer has provided a formal comment on the possible requirements for affordable housing, they have not commented on the housing mix. In any case, it is considered that the proposed mix of 3-, 4- and 5-bedroom dwellings is acceptable and in accordance with Policy HS3 of the Local Plan, through the provision of larger family units.

Waste and Recycling

4.3.60 The Councils Waste and Recycling Team have formally responded to this application and in a similar way to the Highway Authority, consider that a refuse vehicle should be able to enter the site, manoeuvre, and exit in forward gear, given that the bin storage area/pulling distances would be more than 30.0m from some dwellings, citing the following guidance:

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

4.3.61 Whilst this is acknowledged, the issue pertaining to the refuse vehicle has already been considered in section 4.3.43 of this report. In terms of the bin storage areas which would be more than 30.0m away from some of the dwellings proposed herein, the building regulations guidance suggests that bin storage areas should ‘not usually exceed 30m’, which would suggest that this is only guidance and that there is not a complete ban on any drag distance over 30.0m. It is further considered that the bin storage area by the highway is acceptable for the proposed arrangement set out by the application for refuse collection and for this reason, the Council would be reluctant to refuse new residential development with a drag distance more than 30.0m as this is deemed to be more of a buyer beware issue.

Climate Change/Sustainability

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

4.3.63 In terms of the economic objective, the proposed development would deliver considerable benefits through the creation of employment during the construction phase and the use of nearby services in Therfield, as well as those further afield in Royston and neighbouring villages, by future occupiers. These benefits would be moderate in the context of the village of Therfield and would therefore attain moderate weight.

4.3.64 In terms of the social objective, the proposed development would deliver 10 dwellings on an allocated site in the Local Plan and S106 contributions: heads of terms have been agreed with the applicant even in the absence of a completed full S106 agreement at present. The proposed development on an allocated site would make a significant contribution to housing land supply to which significant weight should be attributed within the context of an adopted Local Plan. Therefore, significant weight is attributed to the social benefits that would arise from a development of the scale proposed. There would be impacts arising from the development upon services and facilities. The applicant has agreed to enter into a S106 agreement that would mitigate the impact of the proposal on the local/wider community, and neutral weight is attributed to this matter

4.3.65 In terms of the environmental objective, the proposed development would deliver some benefits. The large area of public open space in the southeast corner, considerable net

gains in biodiversity in addition to mitigating the loss of hedgerow, a number of ecological enhancements are proposed including the creation of species rich grassland, an orchard, wet habitat and the inclusion of bat and bird boxes on new dwellings, and retention and planting of new soft green landscaping would all be significant benefits to which significant weight is attached. Whilst the village of Therfield is a designated Category A village and does have some local services, it is anticipated that future occupiers would need to travel to Royston as well which would likely be reliant on private vehicles. There would be some adverse impacts arising from this development in terms of the impact upon the setting of the Therfield Conservation Area and nearby listed buildings and these are considered in the Planning Balance.

4.3.66 With respect to climate change, the proposal would incorporate some energy efficient measures, such as EV charging points. An Energy Statement has been submitted to demonstrate compliance with Local Plan requirements, calculating total energy demand and associated CO2 emissions and demonstrates how the development will meet or better building regulation standards through improved fabric efficiency measures and the incorporation of air source heat pumps. These benefits would attract moderate weight in my view.

Planning Obligations

4.3.67 Paragraph 57 of the NPPF stated that 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.

4.3.68 The application has not included a draft S106 agreement. However, the Council has drafted a Heads of Terms table for consideration. Through consultation with the agent and the relevant service providers, the agent has agreed to a draft Heads of Terms that covers the following matters:

HCC:	Requested contribution, ref. to index linking and date received:	Amendment /change and date:	Policy ref. / notes:
First education	£80,727 for First Education Contribution towards the expansion of Therfield First School and/or provision serving the development £80,727 index linked to BCIS 1Q2022		Policy SP7 Developer Contributions SPD
Middle education	£74,967 for Middle Education Contribution towards the expansion of King James Middle School and/or		Policy SP7

	provision serving the development index linked to BCIS 1Q2022		Developer Contributions SPD
Upper education	£93,283 for Upper Education Contribution towards the expansion of King James Upper School and/or provision serving the development index linked to BCIS 1Q2022		Policy SP7 Developer Contributions SPD
SEND	£14,058 towards the delivery of new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development index linked to BCIS 1Q2022		Policy SP7 Developer Contributions SPD
Library	£2,511 towards increasing the capacity of Royston Library and/or provision serving the development index linked to BCIS 1Q2022		Policy SP7 Developer Contributions SPD
Youth	£2,850 towards increasing the capacity of Royston Young People's Centre serving Royston and the surrounding area and/or provision serving the development index linked to BCIS 1Q2022		Policy SP7 Developer Contributions SPD

Waste services	£1,717 towards the new Northern Transfer Station and/or provision serving the development index linked to BCIS 3Q2022		Policy SP7 Developer Contributions SPD
Herts Highways	£68,260 from Herts Planning Obligations Toolkit 2021 towards North Herts Local Cycling and Walking Infrastructure Plan (LCWIP).		Policy SP7 Developer Contributions SPD
Fire hydrants	N/A		
Monitoring fee	£340 adjusted for inflation against RPI July 2021.		Policy SP7 Developer Contributions SPD
NHDC:			
Waste and recycling bins	£75 per dwelling (estimate – need to clarify)		
SUDs	N/A		
Play space	N/A		
Open space	N/A		
Pitch sports	N/A		
Arts and culture	N/A		
Community halls	N/A		
Affordable housing	N/A – below threshold.		
BNG / ecology	N/A		
Monitoring fee	<i>The Council will seek 2.5% of the value of the contributions being monitoring with a</i>		

	<i>minimum of £750 and a cap of £25,000. This is considered a fair cost that will reflect the value of the S106 agreement and will not affect the viability of a scheme</i>		
Other:			
NHS	N/A		
Parish Council	N/A		
Open Space Management	Management Company to be controlled by the residents of the 10 dwellings.		To ensure the space is looked after long term.

4.3.69 Following some consultation with the agent and the County Councils Growth and Infrastructure Department and the Highway Authority, the Council are satisfied that the planning obligations that have been sought meet the tests of paragraph 57 of the NPPF. The Parish Council did not make any requests for S106 contributions.

Other Matters

4.3.70 Given the sensitivity of the site and the extensively negotiated and clearly designed farmyard concept, which is considered a benefit of this proposal, it is considered reasonable to removed Permitted Development rights through Classes A, B, C, D, E and F of the GPDO 2015.

4.3.71 The majority of concerns raised within the received neighbour representations have been considered in the body of this report. Those concerns that haven't been considered are that the site should be removed from the Local Plan, the existing sewage issues at the treatment plant, if the other parts of the site will be developed if permission is granted and whether the scheme would deliver Lifetime Homes or be M4(2) complaint. In response, the development management process cannot remove allocated sites from the Local Plan. The statutory provisions are that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. Concerns have been raised relating to sewage and that other parts of the site will be developed are not material planning considerations in the context of this application. As this scheme is under the affordable housing threshold, there is no requirement to deliver M4(2) housing or Lifetime Homes.

Planning Balance

- 4.3.72 The site is allocated for residential development in the adopted North Herts Local Plan under Policy TH1. The site is within the settlement boundary of Therfield, which is designated as a Category A village, within which “*general development will be allowed*”. There is no objection to the principle of residential development on this site, which is attached significant weight, and the suitability of development is considered against the site-specific policy criteria.
- 4.3.73 Policy TH1 sets out the site-specific criteria for acceptable development on this site. Whilst the site estimation is 12 homes, the proposal is for 10 which is considered acceptable. The proposal would incorporate sensitive treatment of the western boundary to maintain the integrity of the Footpath 022, would have regard to the Environment Agency groundwater bore holes in the submitted drainage strategy which has been considered acceptable by the LLFA subject to conditions, and the site has had archaeological surveys carried out on it in 2019, which fruited low quality/rarity of findings. In terms of the impact of the development on nearby listed buildings, the Conservation Area and preventing coalescence between Therfield and Hay Green, the Conservation Officer has formally concluded that the i) the design of the scheme is sufficiently sensitive to the nearby listed buildings and their setting, ii) coalescence between Therfield and Hay Green is avoided and iii) the scheme will on balance, form a reasonably sensitive entrance to the Conservation Area, which is a shared view amongst Officers. It is therefore considered that the proposal is compliant with the site-specific criteria set out in Policy TH1 of the Local Plan, which is also deemed to warrant significant weight.
- 4.3.74 Overall, the scheme has considerable benefits. The layout, appearance and scale of the proposed development is also considered acceptable in planning terms. The Council acknowledge that the development will result in a marked change to the visual character of the area. However, it is considered that the proposal is well designed in form and layout with considerable landscaping and open space, such that it will have an acceptable impact on the rural visual character of the area. The scheme as a farmyard concept with suitable scale of built form and appearance/materials palette would reflect the traditional rural character of Therfield, whilst also allowing for some architectural interest and variety, which would respond positively to the site’s local context. The submitted hard and soft landscaping plan is considered acceptable, with considerable re-planting to accommodate the loss of approx. 75.0m of the mature hedgerow to facilitate the proposed access. The proposal would not result in any material harm to the reasonable living conditions and well-being of neighbours and potential future occupiers. The scheme would also deliver considerable net gains in biodiversity, have an appropriate housing mix for this rural location, and contribute positively to the economic, social, and environmental pillars of sustainability for a number of reasons. On the whole, significant weight is attached to these cumulative benefits.
- 4.3.75 The Highway Authority are maintaining their objection to the proposal on the basis that a refuse vehicle cannot enter the site, manoeuvre, and leave in forward gear, stating that the proposed refuse collection from Police Row is unacceptable. This is a view shared by the Council’s Waste and Recycling Department. However, the Council acknowledge that refuse is already collected from Police Row for the properties on the opposite side of the road, with the refuse vehicle already stopping on the highway for a short period of time and this proposed arrangement for the proposed development would mean that the refuse vehicle and workers would need slightly more time on the highway to pick up the

waste from the storage areas near the proposed access for the 10 dwellings, which would not be for a significantly longer amount of time. As a result, Officers do not consider this to be sound basis to refuse planning permission when assessed against the development as a whole.

4.3.76 In accordance with paragraph 208 of the NPPF, the identified less than substantial harm to the significance of the Conservation Area must be weighed against the public benefits of the proposal. It is therefore concluded that the considerable weight attributed to the benefits of this scheme as outlined above, namely the delivery of 10 dwellings on an allocated site, the well-designed layout and appearance of dwellings that reflects the traditional character of the village, considerable ecological/BNG enhancements and general economic, social and environmental benefits, outweigh the identified less than substantial harm to the Conservation Area and the objections raised by the Highway Authority insofar as it relates to refuse collection. The proposal is in accordance with Policy SP1, SP2, SP7, SP8, SP9, SP13, D1, D3, T2, NE4, HE1, HE4 and TH1 of the North Herts Local Plan and the relevant sections of the NPPF.

4.3.77 The application is therefore recommended to the Planning Committee with a resolution to grant, subject to the below matters.

4.4 **Conclusion**

4.4.1 As above.

4.5 **Alternative Options**

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 The applicant is in agreement to the proposed pre-commencement conditions.

4.7 **Climate Change Mitigation Measures**

4.7.1 N/A

5.0 **Recommendation**

5.1.1 That planning permission resolved to be **GRANTED** subject to:

- A) the completion of a S106 agreement in line with the agreed Heads of Terms.
- B) the receipt of the Impact Assessment and Conservation Payment Certificate following an application to Natural England under the GCN District Level Licensing (DLL) and a response of no objection from the North Herts Ecologist
- C) the agreement to an extension of time to the statutory determination date to allow time for (A) and (B) to occur; and
- D) the conditions and informatives set out below:

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

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

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

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

3. Prior to the commencement of development, excluding any site clearance works and/or intrusive investigation works, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (Reference R-FRA-25553-01-C and 10th May 2024) and Drawings (Ref. 25553, Rev D, Drawing No. FRA03 and date 10/05/2024) and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of North Hertfordshire District Council.

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

Reason: To prevent flooding and pollution offsite in accordance with the NPPF and in consideration of local flood risk issues.

5. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 2. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and the

policies of North Hertfordshire District Council.

6. No development shall take place (including ground works or vegetation clearance), excluding any works required in association with ground investigation works, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: in the interests of ecology and biodiversity and in line with Policy NE4 of the Local Plan.

7. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development, excluding any works required in association with ground investigation works. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: in the interests of ecology and biodiversity and in line with Policy NE4 of the

Local Plan.

8. The development shall incorporate 10 integrated swift boxes and 10 integrated bat boxes which shall be retained in perpetuity.

Reason: To enhance biodiversity in accordance with the NPPF and the North Hertfordshire Local Plan Policy NE4

9. During the construction phase no noisy 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 noisy work at any time.

Reason: To protect the residential amenity of existing residents

10. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- o A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
- o A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
- o A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

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

11. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

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

12. Prior to occupation, each of the 10 proposed new dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point. Any designated parking spaces for visitor parking shall be allocated an EV charge point on the ratio of 1 space per 10 visitor spaces.

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

13. Before the commencement, excluding any site clearance works and/or intrusive investigation works, of the development hereby permitted, a Site Waste Management Plan (SWMP) for the approved development shall be submitted to and approved in writing by the Local Planning Authority following consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type during construction and operation of the development hereby permitted. The development shall be carried out in accordance with the approved

SWMP for the duration of the development hereby permitted.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

14. Prior to the commencement of works above slab level, samples/details of all roof materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved roof materials.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

15. All buildings shall have an open-eaves detail (exposed rafter feet) unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

16. Prior to the commencement of works above slab level, samples/details of all wall materials (brick and boarding) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved wall materials.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

17. Details of all new rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved rainwater details.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

18. All window and external door joinery shall be manufactured in timber and the windows shall have flush as opposed to storm proof frames unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

19. Where windows are shown to receive glazing bars, a 1:1 scale drawing of the glazing bar profile including the glazing system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the manufacture and

installation of the windows and these shall then be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

20. Notwithstanding the garage door detail on drawing no. 19251-110B for Plots 4, 5 and 6, the garage doors shall be manufactured in timber with side-hung, metal strap hinged doors unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

21. Notwithstanding the garage door detail on drawing no. 19251-112C for Plot 7, the garage doors shall be manufactured in timber with side-hung, metal strap hinged doors unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

22. Notwithstanding the garage door detail on drawing no. 19251-11A for Plot 8, the garage doors shall be manufactured in timber with side-hung, metal strap hinged doors unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031

23. The approved details of landscaping shall be carried out before the end of the first planting season following the completion of the development, 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.

24. None of the trees or hedgerows to be retained on the application site shall be felled,

lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

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

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

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

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

Reason: To prevent damage to or destruction of trees or hedges to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality

27. The hard landscaping works hereby permitted shall be carried out prior to the completion of the development. The development shall thereafter be carried out and completed in accordance with the approved details .

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

28. No development shall commence, excluding any site clearance works or works required in association with ground investigation works, until detailed technical plans are submitted to and approved in writing by the Local Planning Authority which show the detailed engineering designs and construction of the vehicle access and associated highway works concerning the connectivity of the footways, requiring some element of the sites frontage land to be dedicated to the HA for adoption to provide footways, as shown on the Access Plan. These works shall be constructed to the specification of the Local Planning Authority's satisfaction and completed before the occupation of any dwellings.

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

29. Prior to the first occupation/use of the development hereby permitted the vehicular access with pedestrian dropped kerbs 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).

30. Before commencement of the development, excluding any works required in association with site clearance and/or ground investigation works, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:

- o the phasing of construction and proposed construction programme.
- o the methods for accessing the site, including wider construction vehicle routing.
- o the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- o the hours of construction vehicle movements.
- o details of any highway works necessary to enable construction to take place.
- o details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- o details of any hoardings and how visibility splays will be maintained.
- o management of traffic to reduce congestion.
- o control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- o the provision for addressing any abnormal wear and tear to the highway.
- o waste management proposals.
- o Provision of sufficient on-site parking prior to commencement of construction activities;
- o Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- o where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding and remaining road width for vehicle movements.

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

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

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

32. The use of the garages hereby permitted shall remain at all times incidental to the enjoyment of the dwellinghouses to which they relate and shall not be used in

connection with any form of trade, business or commercial activity (aside from the temporary sales suite).

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

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

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

34. If any archaeology artefacts are found during the site clearance and digging out stages, all works must stop on site and advice be sought from the HCC Archaeology team.

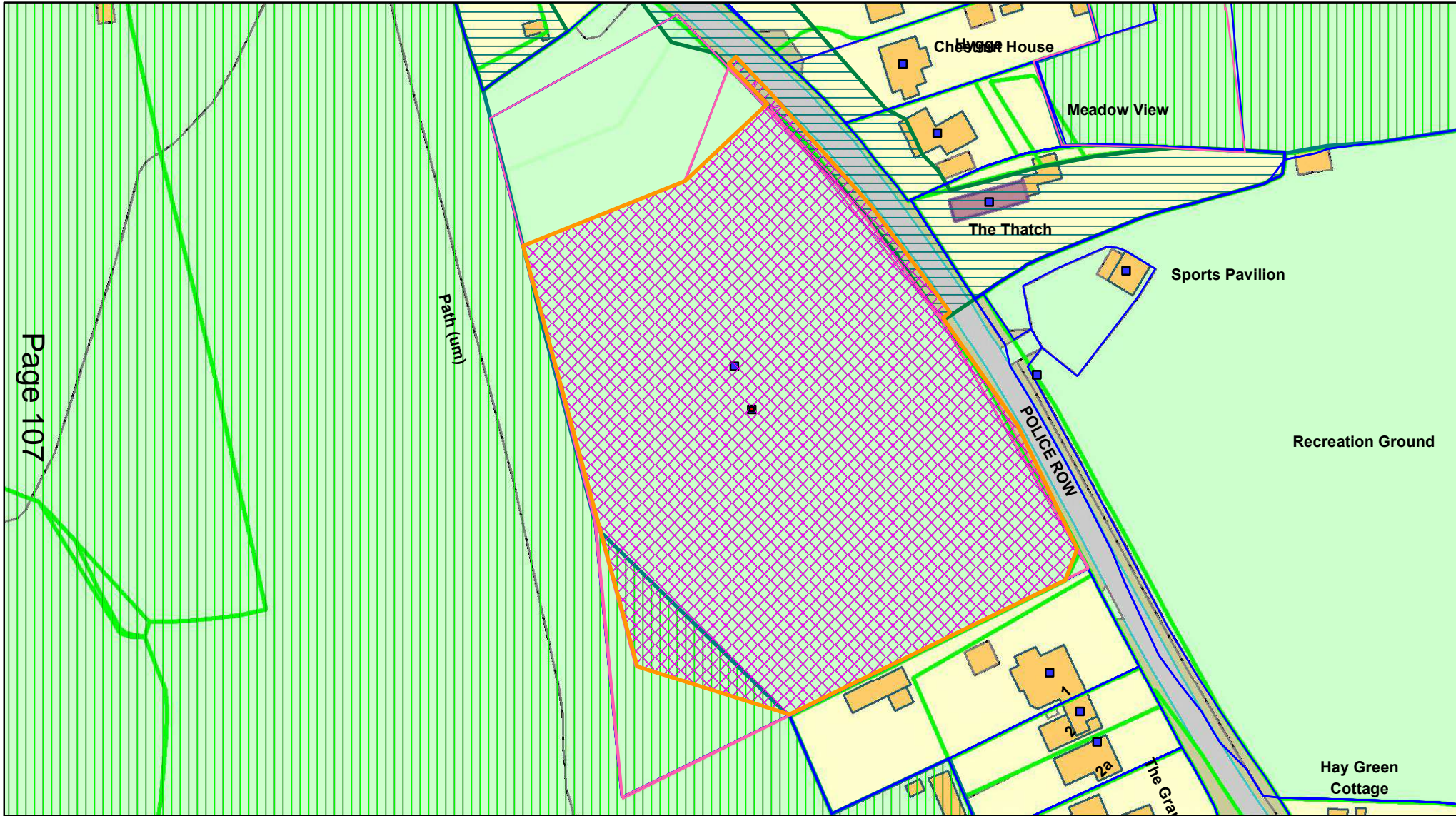
Reason - in the interests of archaeology protection to comply with Policy HE4 of the North Hertfordshire Local Plan 2011 to 2031.

Proactive Statement:

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

NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/01885/FP Land at Police Row Between The Grange and 1 The Grange, Police Row, Therfield, Hertfordshire



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<u>Location:</u>	Land North Of 2 Millers Close Picknag Road Barley Hertfordshire
<u>Applicant:</u>	The Trustees WT & RZ Doggett
<u>Proposal:</u>	Terrace of three 3-bed dwellings including creation of vehicular access off Picknag Road, parking and landscaping.
<u>Ref. No:</u>	23/02948/FP
<u>Officer:</u>	Melissa Tyler

Date of expiry of statutory period : 19.03.2024

Reason for Delay

COMMITTEE CYCLE – extension of time agreed

Reason for Referral to Committee

Applicant is a family trust - a member of which is an employee of the Council.

Policies

National Planning Policy Framework

Section 2 – Achieving sustainable development.

Section 5 – Delivering a sufficient supply of homes.

Section 8 - Promoting healthy communities.

Section 9 - Promoting sustainable transport.

Section 11 – Making effective use of land.

Section 12 – Requiring good design.

Section 14 – Meeting climate change.

Section 15 - Conserving and enhancing the natural environment.

Section 16 - Conserving and enhancing the historic environment.

Supplementary Planning Document.

Design Supplementary Planning Document 2011

North Herts Local Plan 2011-2031 Local Plan and Proposals Map

SP1: Sustainable development in North Hertfordshire

SP2: Settlement Hierarchy and Spatial Distribution

SP6: Sustainable transport

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
HS5: Accessible and adaptable housing
D1: Sustainable design
D3: Protecting living conditions.
NE2: Landscape
NE4: Biodiversity and geological sites
NE7: Reducing Flood Risk
NE8: Sustainable drainage systems
NE11: Contaminated land
HE1: Designated heritage assets
HE4: Archaeology

1.0 **Site History**

1.1 21/02962/PRE Pre application advice given.

2.0 **Representations**

Statutory Consultees

2.1 **Barley PC – OBJECTION (Full representations on website original submitted plans and following amended plans)**

Summary:

- Pre-app predates adoption of Local Plan.
- Site is within the Conservation Area – open fields.
- No allocated site in Barley – Barley has had 43 new dwellings over recent years.
- Site currently used for grazing.
- Poor Design.
- Excessive lighting – external lighting should be resisted.
- Harm to ecology.

Following amendments

- We do not consider the amended proposals address any of the matters raised in our objection to the original proposal as set out in our response dated 7th March 2024. Indeed, we consider the reduced onsite parking to be a major retrograde step increasing our concerns that this proposal will lead to additional parking issues on Picknage Road with many visitors and delivery vehicles etc. having to park outside the site on the highway with consequent increased safety concerns.
- We note that the applicant has made some very minor changes to the building design as shown on the drawings although we note no changes have been made to the planning application nor to the Design and Access Statement or Heritage Statement. It is our view that none of these very minor design changes to the buildings have any impact on the fundamental principle of development in this location, the design of that development and the comments previously made by Barley Parish Council.
- We particularly note that the Conservation Officer for North Herts Council has raised a strong objection to the proposed development in his recommendation

to NHC and which in our view emphatically supports the objections made by us (Barley Parish Council).

2.2 Conservation and Listed Building Officer – OBJECTION (full comments can be found on website)

Summary:

The application site is an open tranche of land that forms part of the demesne lands of Hove Hall which existed within a 'triangle' formed by High Street, Church End and Picknag Road. The site contributes to the sense of space and rural tranquillity, characteristic of the wider countryside surrounding the BCA and serves to preserve a connection to the village's agrarian and rural origins, positively contributing to the heritage significance of the BCA. The terrace of three dwellings with frontage parking, would lead to an urbanising effect, harming the character and appearance of the BCA and would fail to provide a sense of openness that would enable the development to assimilate into the wider context of the BCA. Consequently, the development fails to satisfy the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031. The degree of harm to the BCA would be moderate on the less than substantial harm continuum which would not be outweighed by public benefits.

2.3 NHs Environmental Health – Noise, Air Quality and Contamination – Conditions and informatives recommended.

The documents submitted in support of this planning application have been reviewed and I can confirm that this service has no objection to the proposal in terms of Environmental Health and Nuisance. Should you be minded to approve the following recommendations and informatives are recommended.

2.4 NHs Waste – Information

Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.

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

The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre, with a maximum gradient of 1:12.

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

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

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

For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

The gravel drive makes pulling bins difficult and consideration should be given to whether this surface is the most suitable or whether bins stored closer to the collection point would be more preferable.

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

Further general advice on waste provision for developments is available on our website: <http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision>

2.5 **HCC Historic Environment – no comments received.**

Case officer has recommended standard conditions.

2.6 **HCC Highways – Informatives proposed.**

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

2.7 **North Herts Ecology- Conditions recommended**

Following submission of BNG and Ecology statements conditions recommended for the implementation of the mitigation to be complied with

2.8 **Neighbour Representations**

Representations received from four Neighbours on Picknage Road

Summary of neighbour representations:

- Inappropriate location for housing
- Flooding issues properties opposite
- Water pressure issues
- Picknage Road is busy – used by lorries, coaches, farm machinery
- Access isn't wide enough
- Increase in built form
- Air source pumps and EV not shown on plans
- Parking on Picknage Road

3.0 **Planning Considerations**

3.1 **Site and Surroundings**

3.1.1 The application site comprises semi-natural habitat in the form of grassland, hedgerows, and trees lying on the west side of Picknage Road towards the northern end of the village of Barley. There are terraced and semi-detached dwellings on the opposite side of Picknage Road to the east, allotment gardens to the north and a pair of semi-detached dwellings to the southern and a field to the west.

3.1.2 Under the provisions of the Local Plan, the site is within the Conservation Area and within the settlement boundary area for Barley. The conservation area is extensive and covers almost all of the village and extends beyond the defined settlement boundary into the surrounding countryside.

3.2 Proposal

3.2.1 Planning permission is sought for the erection of terrace of three 3-bed dwellings including creation of vehicular access off Picknag Road, parking and landscaping.

3.3 Key Issues

3.3.1 The key issues are:

- Principle of development and Policy compliance
- Sustainability
- Impact on heritage assets
- Design and layout, visual impact on the character of the area
- impact on neighbouring properties
- Standard of proposed accommodation for future occupiers
- highway access and car parking
- Biodiversity net gain and Ecology
- Flooding and drainage
- Other matters – Environmental Health and Waste

Principle of development and Policy compliance

3.3.2 Barley is defined in Policy SP2 (Settlement Hierarchy and Spatial Distribution) as a Category A village where general development will be permitted within the recently defined settlement boundary. As the application site is within this boundary, there is no objection in principle to new development subject to the other considerations such as layout, design and impact on the Conservation Area.

Sustainability

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

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

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

3.3.6 In terms of the environmental objective, it is acknowledged that future occupiers of this proposal would be reliant on private vehicles for most of their needs. This issue is covered in more detail in the section below on highway matters however the site is within a category 'A' village which has primary school and some local facilities. Paragraph 83 of the Framework states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.

3.3.7 The proposal will incorporate sustainable building features, such as an EV charging point and a condition is recommended to secure other low carbon and energy reducing features in the construction and operational phase of the development. Overall, these environmental benefits are deemed appropriate relative to the scale of development proposed.

3.3.8 As such, it is considered that the proposal accords with the three strands of sustainability and attributed due weight in the planning balance.

Impact on heritage assets

3.3.9 Within a Conservation Area, the Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of the Listed Building and Conservation Areas Act (1990). Furthermore, Section 16 of the National Planning Policy Framework (NPPF) sets out guidance relating to sustaining and enhancing heritage assets.

3.3.10 When considering the impact of proposed development on the significance of a designated heritage asset (such as a Conservation Area or Listed Building), the NPPF notes that great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. This approach is reflected in Local Plan Policy SP13.

3.3.11 Paragraph 205 of the NPPF goes on to set out that great weight should be given to the conservation of heritage assets and paragraph 206 confirms that any harm to or loss of, the significance of designated heritage assets, should require clear and convincing justification.

3.3.12 Paragraph 208 states that "*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*" This approach to balancing heritage impacts against public benefits and securing optimum viable use is reflected in Local Plan Policy HE1.

3.3.13 The Council's Conservation Officer has considered the proposals (his detailed comments can be found on the website).

3.3.14 In summary, the Conservation Officer concludes that less than substantial harm would be occasioned to the Barley Conservation Area and to the setting (hence the significance) of other nearby Designated Heritage Assets. However, he suggests that the harm would be towards the upper end of the less than substantial harm continuum.

3.3.15 Having regard to the detailed comments made by the Conservation Officer, I take a different view. I note that there are large areas of open paddocks within the Conservation Area, and that this openness can be regarded as a feature of the Barley Conservation Area. However, given there are no listed buildings within the immediate proximity of the site combined with the character of the houses along this part of the road being mainly post war development and the existence of the houses 1 and 2 Miller's Close to the immediate south of the application site, I am of the view that the development of this site with this proposal would not cause significant harm to the character and appearance of the Conservation Area. The proposed amended scheme has a well screened frontage proposed, and large areas of paddock land will remain around the site, with some land forming an informal gap being left to the side of no.2 which will help to maintain setting and character, the harm, in my opinion, is to the lower end of less than substantial. Relevant policy dictates that this harm should be weighed against the public benefits of a proposed development. This shall be addressed later.

Design and layout, visual impact on the character of the area

3.3.16 The National Planning Policy Framework requires all development to be of high-quality design and to respect the setting of the Conservation area. Policy SP9 of the Local Plan

sets out that good design is a key aspect of sustainable development, and that new development will be supported where it is well designed. Policy D2 of the Local Plan sets out that planning permission will be granted provided that the development proposal responds positively to the site's local context and takes all reasonable opportunities to create or enhance public realm, reduce energy consumption and waste, and retain existing vegetation and propose appropriate new planting.

- 3.3.17 The proposal would result in a terrace of three modest sized two-storey 3 bed dwellinghouses on undeveloped land which would change its character and appearance through its urbanisation. The proposed layout is considered to relate to the other established post war dwellinghouses on Picknage Road with similar design, proportion and proposed materials.
- 3.3.18 The proposal to use one vehicular access from Picknage Road, and setting the development behind existing and new planting, will help to minimise the visibility and visual impacts of the development in the wider locality as it will be extensively obscured.
- 3.3.19 It is considered that Class A, Class B, Class E and Class F permitted development rights should be removed by condition in the interests of maintaining control over the appearance of the development, potential impacts on dwellings outside the site, and on future occupiers of the development.
- 3.3.20 The amount, size, scale, layout and design of the proposed development is considered acceptable that would not result in any unacceptable harm and remain sympathetic to the local character of the area. The proposal complies with Policies SP9, SP13, D1, HE1 of the Local Plan; and Sections 12 and 16 of the NPPF.

Impact on neighbouring properties

- 3.3.21 The layout of the development does not raise any obvious concerns from a residential amenity perspective. There is adequate separation space provided between existing and proposed dwellings to avoid unneighbourly impacts and first floor windows are positioned so as to avoid overlooking to neighbouring garden areas.

Standard of proposed accommodation for future occupiers

- 3.3.22 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of D3 of the Local Plan.
- 3.3.23 The applicant has confirmed that the dwellings meet the nationally described space standards and has produced a table to demonstrate. Air Source Heat Pumps will be provided to all homes on the development to deliver a low-carbon source of heating to the properties in compliance with Local Plan Policy D1: Sustainable Design. The proposed houses have private gardens, and it is noted that these are all ample in proportion to complement the detached structures.
- 3.3.24 It is considered that the proposed development would not result in any significantly adverse impacts on the amenity of neighbouring properties and the future occupiers of the development would also be provided with a sufficient level of amenity and would comply with Local Plan Policy D3.

Highways, Access, and Car Parking

- 3.3.25 The Council's residential parking standards for dwellings with 2 or more bedrooms to have a minimum of two parking spaces. All dwellings would have two or more

bedrooms and would have at two parking spaces located at the front of each of the three dwellinghouses.

- 3.3.26 Council minimum cycle parking standards are for 1 secure covered space per dwelling, The dwellings are proposed to have cycle parking in the front porch area, which is acceptable. Cycle parking is therefore acceptable.
- 3.3.27 Visitor parking provision requirements in the Local Plan are between 0.25 and 0.75 spaces per dwelling (rounded up to nearest whole number) with the higher standard being applied where there are no garages in the schemes and the lower standard applied where every dwelling in the scheme is to be provided with a garage.
- 3.3.28 The total number of visitor parking spaces proposed is 1. The original submitted scheme proposed 3 visitor spaces and a disabled space. I requested that the level of visitor parking be reduced to one space as I felt the level of hard landscaping at the front of the development was overdevelopment and would increase the impact along the streetscene. There is on street parking available on Picknage Road therefore the benefit of a wider landscaped strip along the front boundary would help screen the terrace of three dwellinghouses and fit better within the Conservation area in my view. The amount of visitor spaces proposed would therefore be acceptable.
- 3.3.29 The proposed internal driveway arrangement is considered satisfactory, on the basis of the absence of objections from the highways officer. The application also includes a Refuse Plan that is considered demonstrates that the proposed dwellings would be able to store refuse bins within or near their curtilages and that they would be within reasonable distances of refuse collection vehicles.
- 3.3.30 Vehicular access to the development would be via new access to be created onto Picknage Road. There are no objections from the highways officer.
- 3.3.31 I consider that the proposed development would not result in any significantly adverse impacts on the highway safety and is compliant with Policy T1 and T2 of the Local Plan.

Biodiversity net gain and Ecology

- 3.3.32 The Local Plan sets out a clear strategic approach for the protection, enhancement, creation, and management of networks of green infrastructure. This is detailed in Policy SP12 (Green Infrastructure, landscape, and biodiversity). Policy NE4 (Biodiversity and geological sites) states that planning permission will only be granted for development proposals that appropriately protect, enhance, and manage biodiversity in accordance with SP12. All development should deliver measurable net gains.
- 3.3.33 The site is a greenfield site which currently contributes to the green infrastructure of the village.
- 3.3.34 Given the proposal will involve the loss of existing undeveloped land, there is potential for the proposal to affect existing species and habitats. There is also the opportunity to create new habitats and increase the biodiversity of the site. In the circumstances, an ecology appraisal identifying opportunities for protecting and improving these elements has been submitted and The North Herts Ecologist has recommended that the mitigation and enhancement set within these reports be conditioned to be implemented on site prior to occupation.

Trees and Landscaping

- 3.3.35 The site is primarily open but overgrown, with more notable vegetation including mature trees on or near its east, SW and SE boundaries. None of the trees are protected by Tree Preservation Orders.
- 3.3.36 The majority of the proposed development would be outside the root protection areas (RPA's) of the trees and would be considered to be sufficiently far from them to not affect their canopies or result in future pressures for their removal. Part of the driveway for proposed dwellings 11 to 13 would project into the RPA of one tree near the NE boundary, however the extent of this projection would be small and is not considered harmful.
- 3.3.37 The development includes comprehensive hard and soft landscaping throughout the site. The amount of hard landscaping is not considered excessive given the amount of development. Details of the materials of the various hard surfaces have not been specified, however it is considered that they can be required to be so by condition. Proposed boundaries comprising of walls and railings are considered acceptable.
- 3.3.38 The proposed soft landscaping and planting details have been fully specified in some of the submitted drawings, however these details can be required by an appropriate condition. There would be new tree planting, in particular near the SW boundary and in the central area of the site. Additional new hedgerows and more minor vegetation, much of it in more visible locations within the site, would considerably soften the development and contribute positively to its appearance. The proposal would also allow the development to comply with one of the objectives of Policy SI2 in incorporating trees into the design of the development. The proposal is considered to comply with Local Plan Policies SP9, SP12, D1, SI2 and NE2; and Sections 12 and 15 of the NPPF.

Drainage and flood risk

- 3.3.39 The site is in Flood Zone 1; therefore, the proposed development is not considered to be at risk of flooding from waterways. The key material consideration is therefore whether the development would be able to provide acceptable drainage that would not result in detrimental surface water flooding inside and outside the site. The development of three terrace dwellings is under the threshold of the EA and the LLFA consultation. I am satisfied that any flooding and drainage is covered by other legislation under the control of Building Control.

Other matters –

Environmental Health and waste

- 3.3.40 In regard to environmental Health (Noise, Contamination and Air quality) and Waste, no technical objections are raised to this development by the relevant statutory and non-statutory consultees. Conditions have been recommended by a number of these consultees if permission were to be granted.

Planning Balance

- 3.3.41 The proposed development, including the erection of three new terraced dwellings, is considered to be acceptable in principle given the location of the site within a Category A village.
- 3.3.42 Section 5 of the NPPF seeks to significantly boost the supply of housing, and to identify opportunities for villages to grow and thrive. The local plan also identifies the village and delivery of new housing within Category A villages as appropriate for development. The site would provide an additional three dwellings within a Category A village that can be

delivered in a short amount of time. The proposal would contribute towards maintaining the vitality of the village.

3.3.43 The proposed development would result in some economic benefits through construction and related services employment and additional spending within the local economy. Furthermore, the development would help support the local community through the provision of additional well-designed homes within the area. Whilst the scale of the development would be modest, there are no housing allocations in the Local Plan in Barley and within this context it is considered that significant weight should be attached to the benefits arising from the delivery of three modest homes in this village location.

3.3.44 The application site is situated within the Barley Conservation Area. Less than substantial harm has been identified to the designated heritage assets, and this harm is considered to be towards the lower end of the scale in my view. Whilst great weight should be attached to this harm, it is considered that the public benefits of the proposed development would outweigh the less than substantial harm to the significance of the conservation area. Therefore, it is considered that the proposal would comply with Local Plan Policy HE1 and paragraph 208 of the NPPF.

3.3.45 The proposed development complies with local policy NE4. With the application being a small site, it is considered that the harm resulting from loss of biodiversity would be limited, and harm to biodiversity and ecology could be mitigated through the inclusion of conditions securing additional planting on site, and the inclusion of bird and bat boxes. Limited weight is attached.

3.3.46 Given the above, it is considered that the public benefits of the proposed development would outweigh the harm caused to the setting of the Barley Conservation Area.

3.4 Conclusion

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

3.4.2 Alternative Options

None applicable

3.5 Pre-Commencement Conditions

3.5.1 The agent has confirmed agreement to the pre-commencement conditions.

3.6 Climate Change

3.6.1 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.

3.6.2 The DAS states that the proposed dwellings will be orientated to maximise solar gains and natural ventilation, 100% LED energy lighting, individual means of space heating

and domestic hot water supply; triple glazing, rainwater harvesting. It does not appear that the development seeks to exceed the minimum standards expected. If permission were granted, I would recommend a condition that a sustainability Report outlining the renewable energy and energy saving functionality be submitted and approved prior to commencement.

4.0 **Legal Implications**

4.1 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.

5.0 **Recommendation**

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

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

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

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

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

3. Prior to occupation, the 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.

4. Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure, and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

Reason: To protect the amenities of the occupiers of adjoining properties

5. If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is

made suitable for its end use.

Reason: To protect human health and the environment

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

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

7. 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.

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

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

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

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

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

Reason: To prevent damage to or destruction of trees or hedges to be retained on the site in the interests of the appearance of the completed development and the visual

amenity of the locality.

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

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

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

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

13. Prior to commencement a site-wide sustainability strategy shall be submitted to the Local Planning Authority for approval addressing renewable energy, reducing carbon emissions and water conservation.

Reason To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 in the local plan.

14. The Ecology and Biodiversity enhancement for the permitted development shall be carried out wholly in accordance with the supporting documents submitted - Biodiversity Method Statement (March 2024) and the Ecology /Biodiversity Enhancement Statement and Plan P09 Rev C Proposed Landscape and Biodiversity Enhancement Scheme Layout (04/07/2024)

Reason: To enhance biodiversity in accordance with the NPPF and the North Hertfordshire Local Plan Policy NE4.

15. The bird and bat boxes as shown on Plan P09 rev C shall be fully installed prior to occupation and retained as such thereafter.

Reason: To enhance biodiversity in accordance with the NPPF and the North Hertfordshire Local Plan Policy NE4.

16. If any archaeology artefacts are found during the site clearance and digging out stages, all works must stop on site and advice be sought from the HCC Archaeology team.

Reason: In the interests of archaeology protection to comply with Policy HE4 of the North Hertfordshire Local Plan 2011 to 2031.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted

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

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 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) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN5) Construction Management Plan (CMS): The purpose of the CMS is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMS must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMS would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

2. EV Charging Point Specification:

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

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

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

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

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

part of the EV ready installation to avoid significant on cost later.

- A list of authorised installers (for the Government's Electric Vehicle HomechargeScheme) can be found at

<https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

-UK Government issued legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov regulations.

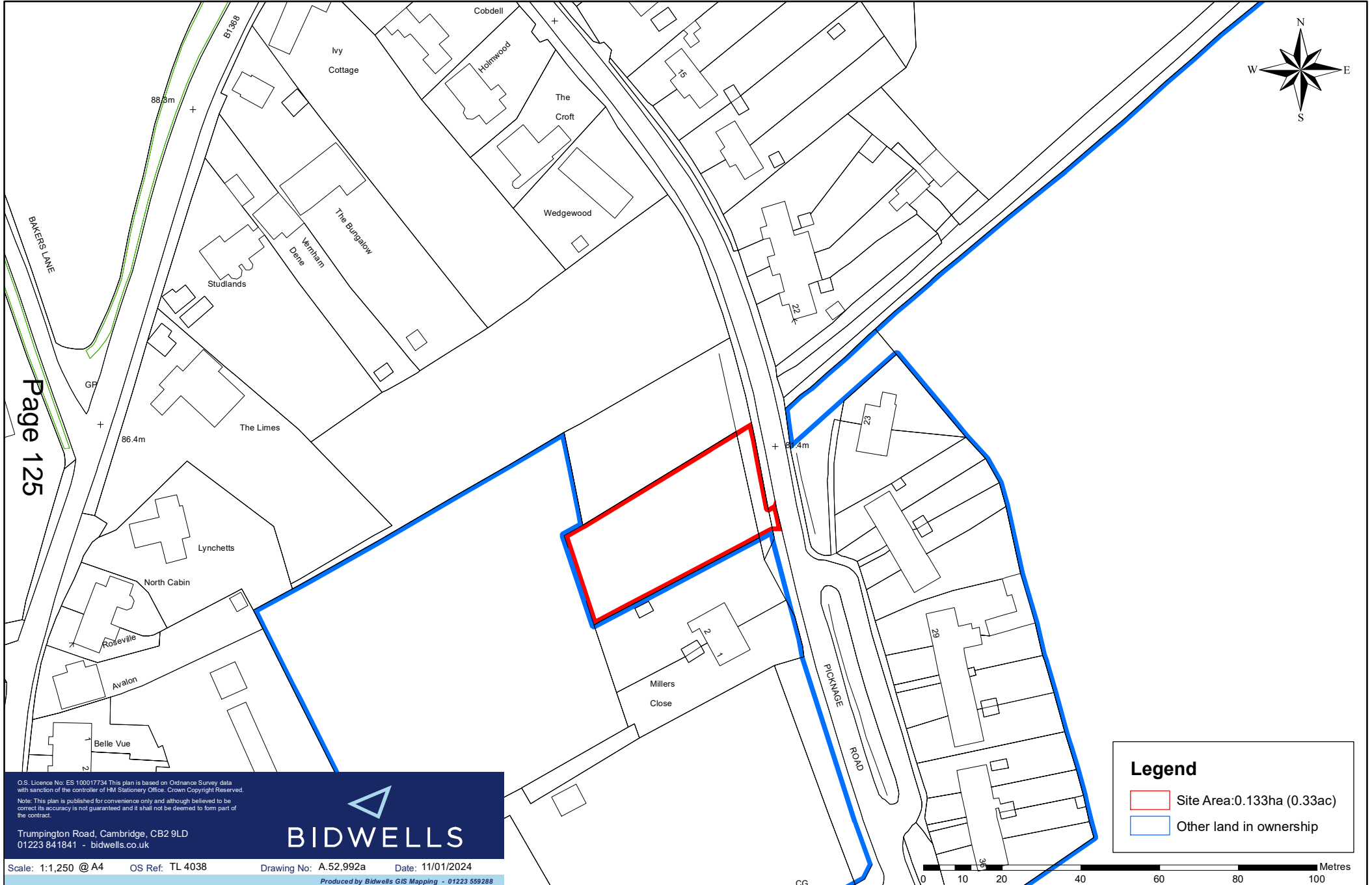
3. During construction of the development working hours shall be restricted to 7.30 am - 6pm Monday - Friday, 8am - 1pm on Saturdays, and not at all on Sundays or Bank Holidays. Vehicles arriving at and leaving the site must do so within these working hours.

Reason: To safeguard the amenities of occupiers of nearby properties.

6.0 **Appendices**

6.1 None

Land at Picknage Road, Barley - Location Plan



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Trumpington Road, Cambridge, CB2 9LD
01223 841841 - bidwells.co.uk


BIDWELLS

Scale: 1:1,250 @ A4 OS Ref: TL 4038 Drawing No: A.52,992a Date: 11/01/2024

Produced by Bidwells GIS Mapping - 01223 559288

Legend

-  Site Area: 0.133ha (0.33ac)
-  Other land in ownership

0 10 20 40 60 80 100 Metres

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**PLANNING CONTROL COMMITTEE
PLANNING APPEALS LODGED**

DATE: 25 July 2024

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr D Huggins	8 July 2024	First floor rear extension and single storey side extension with terrace above following demolition of existing conservatory. Alterations to fenestration	The Coach House Todds Green Herts SG1 2JE	24/00449/FPH	Householder Appeal Service
Mrs Mei Ling Foo	8 July 2024	Erection of one self-contained 1- bed following demolition of existing garage.	59 Kings Hedges Hitchin Herts SG5 2QH	24/00472/FP	Written Representations

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PLANNING CONTROL COMMITTEE

DATE: 25 July 2024

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Bampleton Properties Ltd	Erection of one 1-bedroom dwelling	Land Adjacent To 7 Butterfield Barley Herts SG8 8FD	23/01967/FP	Appeal Dismissed on 03 July 2024	Delegated	The Inspector stated they were satisfied that the development would not harm the living conditions of occupiers of No 7. However, the development would harm the character and appearance of the local area and would fail to preserve or enhance the character or appearance of Barley Conservation Area.

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Appeal Decision

Site visit made on 29 May 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2024

Appeal Ref: APP/X1925/W/23/3333430

Land Adjacent to 7 Butterfield, Barley, Hertfordshire SG8 8FD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Bampleton Properties Ltd against the decision of North Herts Council.
 - The application Ref is 23/01967/FP.
 - The development proposed is the construction of a carriage house at Butterfield to create a 1-bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address differs on the application and appeal forms. I have used the site address provided in the latter, as it aligns with the street name shown at the site and is more accurate, therefore.
3. The description of development in the application form is the 'Construction of Carriage House at 7 Butterfield to create a 1-bedroom dwelling'. As the appeal site does not include 7 Butterfield, I have removed reference to that property from the description in the interests of accuracy.
4. Following the Council's decision on the appeal scheme before me, an appeal has been dismissed in respect of similar development on the same site (Ref. APP/X1925/W/23/3327637). That appeal also concerned the construction of a 1-bedroom dwelling, albeit of larger dimensions. Both parties are aware of this appeal decision, and it is relevant to the current appeal. Nevertheless, I have determined the appeal on its own merits.

Main Issues

5. The main issues are the effect of the proposed development on;
 - the character and appearance of the area, with particular regard to the extent to which it would preserve or enhance the character or appearance of the Barley Conservation Area (the CA), and;
 - the living conditions of occupiers of 7 Butterfield (No 7) with particular regard to outlook.

Reasons

Character and appearance

6. The appeal site is located on the edge of the settlement of Barley, within the CA. The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, the National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of heritage assets.
7. The CA incorporates much of the settlement of Barley. Its significance, in relation to the appeal proposals, is in the pattern of development displayed by its layout and in the vernacular style of its buildings.
8. The village centre has several small clusters of historic buildings, largely focussed on Barley High Street. These clusters are separated out from one another by generous spaces, often marked by landscaping.
9. Less historic developments in and near the village centre, typically comprising detached and semidetached 20th century homes, are generally set back from the road and apart from each other in a regular pattern, creating a spacious layout.
10. The outer reaches of the CA align broadly with the edges of the settlement and are recognisable as such. These areas are yet more spaciouly laid out, with significant gaps between buildings offering views of the open countryside beyond.
11. In these ways, the sense of openness increases notably as one moves outwards from the centre of Barley. This pattern of development makes the clusters of historic buildings around Barley High Street identifiable as the core of the settlement, both geographically and historically.
12. Historic buildings in the CA display a range of vernacular forms, styles and materials, offering possible indications of the age and original use of each. The variation in style and materials is a notable characteristic of the CA and is most prominent in Barley High Street.
13. The appeal site is located at the far end of Butterfields, a cul-de-sac serving a modern residential estate built in vernacular styles. The estate is at the edge of Barley; the land beyond is rural and undeveloped.
14. Butterfields has an open, spacious character, created in part by significant gaps between and around buildings. The appeal site provides one such gap; it is a section of undeveloped, verdant land located beyond No 7, the furthest house from the entrance to the cul-de-sac.
15. The appeal site provides a pleasant, green and wooded backdrop to the far end of the estate. It indicates that Butterfields continues no further beyond No 7 and, having been left undeveloped, accords with the generous spatial layout within Butterfields.
16. Alongside the use of vernacular building styles, it is through its open layout that Butterfields adheres to the character of the wider local area and of the CA,

- as described above. The appeal site contributes to the openness of Butterfields, which in turn respects and preserves the character of the area and of the CA.
17. Due to its position at the far end of an open, straight and relatively flat section of Butterfields, the proposal would be prominent when viewed from the road, and from neighbouring front gardens, parking areas and open spaces in the cul-de-sac.
 18. Notwithstanding the use of a half-hipped roof with clipped-gable ends, the proposed dwelling would nevertheless be a substantial building, oriented to present the full width of its ridge towards the rest of Butterfields. The proposal would occupy most of the part of the appeal site that is visible from the road, leaving very little green, wooded, or open space visible.
 19. As a consequence of its location, height and width as described above, the proposed development would significantly erode the current visual openness at the far end of Butterfields, introducing in its place a visually dominant form of development, harmfully at odds with the generous spacing in the estate and in the outer reaches of Barley and the CA. It would constitute an intrusive and discordant presence in the context of the area, therefore.
 20. Given the above I find that the proposal would fail to preserve the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
 21. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of the development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the scale of the development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
 22. Paragraph 60 of the Framework sets the objective of significantly boosting the supply of homes. The proposal would make a modest contribution in that respect, and I consider it a moderate benefit, therefore.
 23. The development would create some temporary economic benefits during construction, and some lasting economic benefits upon occupation. Given the scale of the proposal, I afford these further benefits minor weight in favour of the scheme.
 24. The appellant reports a lack of 1 bed properties for sale or rent in Barley as of 29 April 2024. Even if no such properties were available for sale or rent at that time, it does not mean that none have previously been provided within the area, or necessarily demonstrate an unmet need, therefore. Similarly, the reported absence of smaller dwellings within the developments at Butterfields and the former Drayton's Garage site does not mean that none exist in the wider local area. In the absence of more detailed evidence on this point, I have attached very little weight to the proposed dwelling being a 1 bed unit.

25. On balance, given the effect of the proposals on the Barely Conservation Area as set out above, the moderate housing supply and economic benefits attributable to the development would not outweigh the great weight that should be given to the asset's conservation.
26. I acknowledge the detached garages erected at plots 4 and 8 of the Butterfields estate, but neither are comparable in height to the appeal proposals and neither occupies a space forward of its nearest building line. For these reasons, neither garage is comparable in visual prominence to the proposed dwelling, therefore.
27. I appreciate that a previous planning permission (Ref 17/02316/1) included a building in a very similar location to the appeal proposal. Based on the plans supplied (and notwithstanding what appears to be an inaccurate artist's rendering of those plans) this building would have been a simple, open sided double garage far smaller than the appeal proposal, and not directly comparable in effect, therefore.
28. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would fail to preserve the character or appearance of Barley Conservation Area. This would fail to satisfy the requirements of the Act, the historic environment protection policies of the Framework and conflict with policy HE1 of the North Hertfordshire Local Plan (the Local Plan) that requires that the public benefits of development proposals leading to less than substantial harm to the significance of designated heritage assets should outweigh that harm.
29. Furthermore, the development would harm the character and appearance of the local area contrary to Policies SP9 and D1 of the Local Plan which require new development to be well designed and located and to respond positively to local context and to the Framework which seeks to achieve well-designed and beautiful places.

Living conditions

30. Number 7 is the last in a terrace of three reasonably substantial residential properties, served by a private off-street parking area directly in front of the house. The main entrance to No 7 is in the centre of the front elevation and is connected to the parking area by a short path. There are two additional parking bays to the side of No 7.
31. There are ground and first floor windows set flush into both the front and rear elevations of No 7, but no openings in the flank wall facing towards the appeal site. The rear and side garden of No 7 is bound by a tall, close boarded fence and gate. The rear windows of No 7 offer no view of the location of the proposed dwelling.
32. The proposed dwelling would be sufficiently modest in height and width and would be set far enough away from the parking area, front door, and front elevation windows of No 7 to avoid any sense of overbearing for occupiers of those parts of that house.

33. Similarly, the appeal proposal would be far enough away that the parts of the proposed dwelling visible over the current garden fence and gate would not be overbearing when viewed from the rear and side garden of No 7. The proposed clipped-gable end roof design, along with the slightly higher ground level of No 7's garden relative to the part of the appeal site to be developed, would contribute to an acceptable relationship in this respect.
34. The proposal would not harm the living conditions of the occupiers of no 7 with particular regard to outlook. It would therefore be in accordance with Policy D3 of the Local Plan which, amongst other matters, requires development proposals not to cause unacceptable harm to living conditions. It would also not conflict with Section 12 of the Framework, which requires the creation of places with a high standard of amenity for existing and future users.

Conclusion

35. Though I recognise that the scale of these appeal proposals is reduced in comparison to those considered in appeal Ref: APP/X1925/W/23/3327637, my findings are nevertheless broadly consistent with those of the Inspector in that appeal.
36. I am satisfied that the development would not harm the living conditions of occupiers of No 7. However, the development would harm the character and appearance of the local area and would fail to preserve or enhance the character or appearance of Barley Conservation Area.
37. For the reasons given above, the proposal would conflict with the development plan when read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

A Knight

INSPECTOR

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Planning Control Committee
25 July 2024

***PART 1 – PUBLIC DOCUMENT**

Planning Enforcement Quarterly Report

INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER

1. SUMMARY

- 1.1 This is a note for information setting out the quarterly update of the Planning Service. It is not an item to be voted upon but intended to supply Members with information relating to the work of the Planning Enforcement Team, as requested by Members.
- 1.2 Recent restructuring within the Planning Service brings together conservation and compliance through the creation of the Conservation and Enforcement Team to deliver on the NHDC's key priorities to put people first, deliver sustainable services and to enable a brighter future together.
- 1.3 The Planning Enforcement Team manages a caseload characterised by a wide range of investigations into breaches of planning regulations and listed building legislation, prioritising those with the highest level of harm and public interest.
- 1.4 Compliance Officers have been working to reduce the level of backlog cases during the last six months. The number of active investigations is now approximately 140 cases. This update the progress of active cases, highlights key cases and reports on enforcement action for breaches that arise in significant harm to public amenity and/or the built environment.

2. STEPS TO DATE

- 2.1 This is a regular update of the Planning Enforcement as requested by Members. This is part 1 of the report which does not provide details of current enforcement cases.

3. INFORMATION TO NOTE

Planning Enforcement Reforms

- 3.1 Reforms through the Levelling-Up and Regeneration Act 2023 (LURA) were recently introduced that change the planning enforcement rules and came into force on 25 April 2024. The primary change is an expansion of the planning enforcement toolkit and increased powers and penalties making it more difficult to play the system.
- 3.2 The new measures are wide-ranging and serve to allow LPA more time and stronger tools to resolve breaches of the planning regulations. Subject to conditions and transitional arrangements, the measures include the following:
 - Increase of enforcement limits from 4 to 10 years
 - Introduces unlimited fines for prosecutions
 - Doubles the length of Temporary Stop Notices to 56 days to suspend works
 - New restrictions on appeals against an Enforcement Notice where an application for planning permission to regularise the breach has been refused
 - Additional changes, including change on notices, will come into force at a later date

- 3.3 These reforms are generally welcomed across the planning enforcement profession; additional familiarisation, training and support is required to enable Officers and Team Leaders to gain understanding, experience, and confidence in deploying the new measures.

Strategic Context

- 3.4 Planning Compliance is concerned with unauthorised development that result in significant levels of harm, deploying powers set out in the Town and Country Planning Act 1990 (as amended). Against this backdrop, the Planning Enforcement Team investigate planning breaches and aims to resolve them through informal compliance, where possible, while taking strong and justified enforcement action where appropriate.
- 3.5 This approach means that the Council complies with the relevant legislative framework whilst providing a service which maintains the integrity of the planning enforcement serve and public confidence in the Council being able to perform its duties.
- 3.6 In line with the aspirations of the Council Plan and Corporate Enforcement Policy, the Conservation and Planning Enforcement Service reinforce the identity of North Hertfordshire as a district that prioritises our heritage assets, puts people first and aims to deliver sustainable services to enable a brighter future together.
- 3.7 Enforcement actions are focussed on the objectives to:
- resolve breaches that cause planning-related harm;
 - be proportionate to the nature of the harm caused;
 - deter future non-compliance;
 - change community willingness to undertake planning to breaches to prevent them becoming widespread;
 - be responsive and consider prevent public perception about effective planning
- 3.8 Planning Enforcement seeks to raise awareness that it is not an offence to undertake development without obtaining planning permission in advance. However, undertaking such development comes with the risk of enforcement action if Officers consider it expedient to do so. A fundamental principle of the planning enforcement is that enforcement action should not be taken solely for the purpose of regularising unauthorised development. Therefore, we may not take action against technical or minor breaches, and we would not investigate concerns about breaches that reporters believe may occur at some point in the future.

Planning Enforcement Plan

- 3.9 The National Planning Policy Framework (NPPF) recommends that local planning authorities publish a local enforcement plan to manage planning enforcement proactively and in a way that is proportionate to their area.
- 3.10 The Planning Enforcement Plan features as Appendix E of the Corporate Enforcement Policy 2022, which is currently being updated. The Plan sets out NHDC's approach to planning enforcement to reflect the priorities and approaches within the service. The Plan offers planning enforcement guidance for all who are involved in or affected by breaches of planning control within the district; it also establishes revised performance targets for alleged breaches reported to the service.

Team Structure

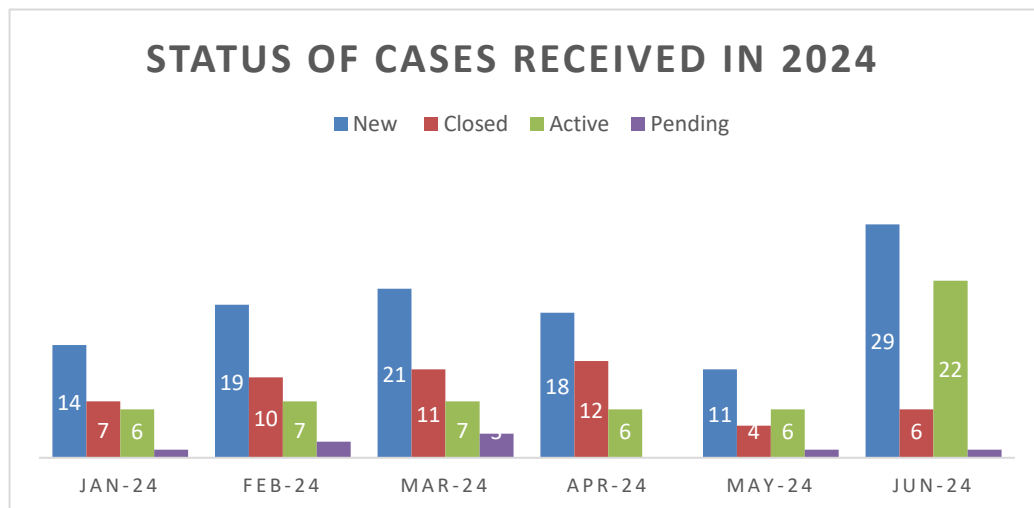
- 3.11 Conservation and Planning Enforcement Team continues to deliver on the strategic, training, and operational support that is key to delivering the strong, positive outcomes progress and improvements on quality of service and performance.
- 3.12 The Conservation and Enforcement Team is comprised of 1 Team Leader, 2 Senior Conservation Officers, 1 Senior Compliance Officer, 2 Compliance Officers, and 1 S106 Monitoring and Compliance Officer.

Recruitment

- 3.13 Staffing challenges have resulted in a high turnaround of Planning Enforcement officers. Recent recruitment attracted numbers of applicant and resulted in the successful appointment to all advertised posts. A temporary contractor will continue to support the team during the transition phase for onboarding, training, and developing new officers into the team.
- 3.14 Administrative functions for the team are currently delivered by the Technical Support Team. While intended as an interim measure, options to establish sustained support in the bespoke planning enforcement administrative functions are being explored.

Performance

- 3.15 The Enforcement Team are currently investigating 140 active cases (a further 17 cases are pending decisions by DM or PINS) and continues to improve on the performance levels reported to the committee in April 2024. Additionally, the informal approach to resolving breaches has resulted in a marked increase in the number of retrospective applications being submitted to regularise unauthorised development.
- 3.16 In addition to the 60 cases resolved in Q1 of 2024, the hard work of Officers has resulted in 71 cases (received 2018-2024) resolved in Q2 of 2024.



- 3.17 The above chart shows that the average number of cases received so far in 2024 is approximately 20 each month; the average number of cases resolved is approximately 22. Performance measures are distilled further and detailed in the Part 2 Report.
- 3.18 In terms of enforcement action within the team, 3 Planning Contravention Notices have been served, as well as 1 Enforcement Notice, and 1 successful prosecution.

4 NEXT STEPS

To note this report.

5. APPENDICES

None.

6. CONTACT OFFICERS

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7. BACKGROUND PAPERS

None

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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