

8 November 2024

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

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

**NOTICE IS HEREBY GIVEN OF A**

**MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERON  
ROAD, LETCHWORTH GARDEN CITY, SG6 3JF**

On

**THURSDAY, 21ST NOVEMBER, 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**

<b>Item</b>	<b>Page</b>
<p><b>1. APOLOGIES FOR ABSENCE</b> 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><b>2. MINUTES - 10 OCTOBER AND 24 OCTOBER 2024</b> To take as read and approve as a true record the minutes of the meetings of the Committee held on the 10 October 2024 and the 24 October 2024.</p>	<p>(Pages 5 - 20)</p>
<p><b>3. NOTIFICATION OF OTHER BUSINESS</b> 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><b>4. CHAIR'S ANNOUNCEMENTS</b> 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><b>5. PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public.</p>	
<p><b>6. QUESTIONS FROM MEMBERS</b> To consider any questions submitted by Members of the Council, in accordance with Standing Order 4.8.11(a).</p>	<p>(Pages 21 - 22)</p>

7. **22/02675/FP KIMPTON GRANGE, LUTON ROAD, KIMPTON, HITCHIN, HERTFORDSHIRE, SG4 8HA** (Pages 23 - 48)  
**REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER**
- Conversion of existing dwelling "The Lodge" into 6 apartments (5 x 2-bed and 1 x 3-bed). Erection of four terraced 2-bed dwellings and five detached dwellings (1 x 5-bed, 2 x 4-bed and 2 x 2-bed) including landscaping and parking following demolition of existing buildings. Alteration of existing access and creation of additional access
8. **23/02895/OP LAND ON THE NORTH EAST SIDE OF, THE CLOSE, CODICOTE, HERTFORDSHIRE** (Pages 49 - 80)  
**REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER**
- Outline planning application for the erection of up to 42 residential dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system and new access arrangements from The Close (all matters reserved except means of access) (as amended by plans and information submitted 8th April 2024 and 13th August 2024).
9. **APPEALS** (Pages 81 - 92)  
**REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER**
- To update Members on appeals lodged and any decisions made.
10. **PLANNING ENFORCEMENT QUARTERLY REPORT** (Pages 93 - 102)  
**INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER**
- To provide Members with a regular update on Planning Enforcement.
11. **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).
12. **PLANNING ENFORCEMENT TEAM QUARTERLY UPDATE - PART 2** 103 -  
**INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER** 106
- To provide Members with a Quarterly Update on the Planning Enforcement Team.

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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, GERONON ROAD, LETCHWORTH GARDEN CITY, SG6 3JF  
ON THURSDAY, 10TH OCTOBER, 2024 AT 7.30 PM

#### MINUTES

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

**In Attendance:** *Loretta Commons (Locum Planning Lawyer), Shaun Greaves (Development and Conservation Manager), Susan Le Dain (Committee, Member and Scrutiny Officer), Henry Thomas (Planning Officer - Graduate), Melissa Tyler (Senior Planning Officer) and Sjanet Wickenden (Committee, Member and Scrutiny Officer).*

**Also Present:** *At the commencement of the meeting approximately 5 members of the public, including registered speakers.*

#### 63 APOLOGIES FOR ABSENCE

*Audio recording – 2 minutes 2 seconds*

Apologies for absence were received from Councillor Amy Allen.

Having given notice, Councillor Val Bryant substituted for Councillor Allen.

#### 64 MINUTES - 5 SEPTEMBER 2024

*Audio Recording – 2 minutes 23 seconds*

Councillor Elizabeth Dennis, as Chair, proposed and Councillor Nigel Mason seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 5 September 2024 be approved as a true record of the proceedings and be signed by the Chair.

#### 65 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 3 minutes 06 seconds*

There was no other business notified.

#### 66 CHAIR'S ANNOUNCEMENTS

*Audio recording – 3 minutes 11 seconds*

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

- (3) The Chair clarified matters for the registered speakers.
- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.
- (5) The Chair advised of a change in the order of the agenda. Agenda Item 9 followed by Item 8 were considered after Agenda Item 5.

**67 PUBLIC PARTICIPATION**

*Audio recording – 6 minutes 15 seconds*

The Chair confirmed that the registered speakers were in attendance.

**68 24/00756/FP COACH HOUSE CLOISTERS, HITCHIN STREET, BALDOCK, HERTFORDSHIRE, SG7 6AE**

*Audio recording – 1 hour 51 minutes 50 seconds*

The Senior Planning Officer presented the report in respect of Application 24/00756/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ian Mantle
- Councillor Michael Muir
- Councillor Nigel Mason
- Councillor Elizabeth Dennis
- Councillor Sade Billing
- Councillor Louise Peace
- Councillor Val Bryant

In response to questions, the Senior Planning Officer advised that:

- The property was currently empty and had previously been used as offices.
- The access and gate to the property had been moved back so vehicles were not obstructing the road.
- Highways had objected that a fire engine could not enter the site, but the applicant would install a sprinkler system and the building was at a lower risk as residential.
- There were 3 parking spaces along the side of the building and the rest was to the rear of the courtyard.
- Blocks 4 and 5 would have a sprinkler system that would fall outside the maximum distance of 45 meters.
- There were no planning concerns with property number 1 having a bedroom in the basement with no window.
- In the event of a fire, a fire engine would be able to park outside as there were double yellow lines and hoses could be rolled out to the property.

In response to questions, the Development and Conservation Manager advised that this was a listed building and would need to be partly demolished to achieve full access by a fire tender.

Councillor Ruth Brown proposed and Councillor Sade Billing seconded, and following a vote, it was:

**RESOLVED:** That application 24/00756/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

69 **24/00757/LBC COACH HOUSE CLOISTERS, HITCHIN STREET, BALDOCK, HERTFORDSHIRE, SG7 6AE**

*Audio recording – 1 hour 54 minutes 39 seconds*

The Senior Planning Officer presented the report in respect of Application 24/00757/LBC supported by a visual presentation consisting of photographs and plans.

Councillor Ruth Brown proposed and Councillor Michael Muir seconded and, following a vote it was:

**RESOLVED:** That application 24/00757/LBC be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

70 **24/01489/FPH 68 CHILTERN ROAD, BALDOCK, HERTFORDSHIRE, SG7 6LS**

*Audio recording – 31 minutes 13 seconds*

The Planning Officer advised that updates had been provided in the Supplementary Document to the agenda and there were no further updates.

The Planning Officer presented the report in respect of Application 24/01489/FPH supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Val Bryant
- Councillor Emma Fernandes
- Councillor Ruth Brown
- Councillor Nigel Mason
- Councillor Elizabeth Dennis

In response to questions, the Planning Officer advised that:

- Since this application was refused in June 2024, there had been changes to the proposed materials and colours, plus the addition of solar panels to the property.
- The site plan had been changed to show 2 parking spaces but there was no change to the size of the allocated parking area.

In response to questions, the Conservation and Development Manager advised that the sustainability elements of the property were positive but they did not outweigh the harm to the character and appearance of the street scene and the host dwelling that would result from the design compared to a traditionally designed dwelling.

The Chair invited Councillor Alistair Willoughby, as Member Advocate, to speak in support of the application. Cllr Willoughby thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The house had originally been in a very bad state of repair.
- The applicant had shown willingness to adapt the application and had invested money to improve this property.
- This was a significant improvement to the existing property.
- This property would be a modern design which would be visually appealing.
- Timber was a material that had been used in properties for many years.

- The neighbours had shown no objections to the new design.
- The porch would have a flat roof which provided a better level of energy efficiency.
- There were already many different house styles in the road.

The following Members asked for points of clarification:

- Councillor Ruth Brown
- Councillor Val Bryant
- Councillor Nigel Mason
- Councillor Elizabeth Dennis

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

- There were other timber cladded buildings in the area.
- Timber made this property sustainable.
- There was a great variety of porches in properties in the road.
- Very few semi-detached properties were uniform in appearance.

The Chair thanked Cllr Willoughby for his presentation and invited Mr Ashley Greenhall to speak, as representative for the applicant, in support of the application. Mr Greenhall thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- He was the designer of the property and a future resident.
- He wished to create a family home which was energy efficient that reached local government targets.
- The flat roof and timber cladding met the Local Plan policy D1.
- The flat roof minimised the building surface area and allowed space for solar panels to be installed.
- The porch at 13cms higher met passive house standards.
- A significant investment was being made to make this building sustainable.

The following Members asked for points of clarification:

- Councillor Tom Tyson
- Councillor Emma Fernandes
- Councillor Ian Mantle
- Councillor Sade Billing

In response to points of clarification, Mr Greenhall advised that:

- Timber had been used as it was more sustainable and would reduce carbon.
- The flat roof had been used to reduce energy and this was the most sustainable option for the property.
- Light grey timber had been used to blend in with the property opposite and one further down the street.
- The design could have been changed if he had heard from the Planning Officer following his visit to the property 9 weeks ago.
- The porch did not cover the whole front of the property.
- Japanese timber cladding had a life span of over 100 years.
- As the property was near a nature reserve and could be vulnerable to mildew, timber had been used as it was more resistant than rendering.
- A warm roof system had been used for this property and the walls were passive house standard.
- The vertical gladding on the rear of the property was black.



In response to points raised, the Planning Officer advised that after the first refusal, it was still the view of the planning team to refuse permission.

In response to points raised, the Development and Conservation Manager advised that as the applicant had not entered the pre application service, further amendments to the scheme were not sought.

Councillor Michael Muir proposed to grant permission and this was seconded by Councillor Caroline McDonnell.

The following Members took part in the debate:

- Councillor Ruth Brown
- Councillor Nigel Mason
- Councillor Elizabeth Dennis
- Councillor Louise Peace
- Councillor Tom Tyson
- Councillor Michael Muir
- Councillor Ian Mantle
- Councillor Caroline McDonnell

Points raised in the debate included:

- Sustainability was important, but a passive house had to be in keeping with the local area.
- Low carbon emissions could be achieved in the same way in keeping with the street scene.
- This house would stand out in a row of semi-detached 1930 style houses.
- The public view at the front of the building was incompatible with the rest of the street.
- Officers had objected that the porch was 13cm too high.
- The same levels of sustainability could be achieved with a house more fitting in with the rest of the street.
- The design was modern and innovative.

The Development and Conservation Manager advised that if Members approve this application against the recommendation of the Planning Officer, this would be based upon:

- The benefits of sustainability of the building outweighing any harm and impact on the street scene and subject to the following conditions.
- The application must commence within 3 years and;
- Be implemented in accordance with the submitted drawings.

Having been proposed and seconded, the motion to approve the application, contrary to the officer recommendation, was lost.

Councillor Ruth Brown proposed to refuse permission for the reasons stated in the report of the Planning Officer and this was seconded by Councillor Nigel Mason.

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

**RESOLVED:** That application 24/01489/FPH be **REFUSED** planning permission subject to the amended reason set out in the Supplementary document published alongside the report of the Development and Conservation Manager.

*N.B. Following the conclusion of this item there was a short break in proceedings and the meeting reconvened at 21:51*

**71 24/00482/FP MUNTS, MAIDEN STREET, WESTON, HITCHIN, HERTFORDSHIRE, SG4 7AG**

*Audio recording – 6 minutes 36 seconds*

The Planning Officer provided an update that the applicant had agreed to additional informatives and amendments as set out in Condition 5.

The Planning Officer presented the report in respect of Application 24/00482/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Tom Tyson
- Councillor Louise Peace

In response to questions, the Planning Officer advised that:

- The removal of apple trees would be covered by the landscaping provision.
- A site notice was displayed.
- Refuse bins would need to be taken to the main road for collection, in line with the existing dwellings.

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

- He was the representative for 6 homes that would be affected by this development.
- This development would cause a loss of privacy to the rear gardens.
- The trees on the western boundary were deciduous, so would not provide cover in the winter months.
- Construction of the properties could damage existing tree roots and new saplings would take 15 years to mature.
- The 4 cottages in the main street were low and would be overshadowed by the development.
- The site was situated on heavy clay sub soil and would not provide adequate drainage in heavy rain.
- The development would bring extra traffic to the area.
- The biodiversity net gain by providing swift boxes would not compensate for the loss of the natural habitat.
- He agreed with the view of the Parish Council that this was an inappropriate building on a high piece of land that would be obtrusive to neighbours.

In response to a point of clarification from Councillor Ruth Brown, Mr Hofton advised that the higher piece of land was approximately 2 – 2.5 meters from ground level, but he could not confirm this.

The Chair thanked Mr Hofton for his presentation.

In response to points raised, the Planning Officer advised that:

- The distance to the dwellings was 30 meters to 1 Maiden Cottages and 27 meters to 2 Maiden Cottages cottage. The outbuildings were 16 meters and 18 meters respectively.
- The application was submitted before biodiversity net gain was a requirement.
- The trees were protected by the conservation area and would be required to be replaced.

Councillor Michael Muir proposed to grant permission and this was seconded by Councillor Ruth Brown.

The following Members took part in the debate:

- Councillor Ian Mantle
- Councillor Val Bryant
- Councillor Nigel Mason
- Councillor Elizabeth Dennis
- Councillor Ruth Brown

Points raised in the debate included:

- The recommendation from highways regarding the distance of the bins from the properties should be noted.
- Residents would be required to bring their refuse bins to roadside for collection.
- This development could not be refused on the grounds of privacy to neighbours.
- The planning balance was not a sustainable argument to refuse this application.

In response to points raised, the Conservation and Development Manager advised that the development was 34 meters from the turning for the new development so did not comply with the guidance of 30 meters.

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

**RESOLVED:** That application 24/00482/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager with the following two additional Informatives and amendments to Condition 5:

“Condition 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. On the tree report these trees are: T2- T11 and H2 Leyland Cypress hedge.*

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

Ecology Informative

*The applicant is advised to avoid the bird nesting season, or if this cannot be avoided the site should be checked for nesting birds prior to any site clearance taking place.*

*The applicant is advised if bats are found during the course of any work to buildings or trees where not previously anticipated, then works should immediately stop and Natural England notified for appropriate advice.*

Drainage Condition

*Prior to the undertaking of works above ground level, details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Approved details will be implemented and maintained thereafter.*

*Reason: To safeguard neighbouring dwellings in accordance with policies D1 and NE8 of the Local Plan.”*

72 24/00497/FP AUTOGLYM, WORKS ROAD, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 1LU

*Audio recording – 2 hours 17 minutes 57 seconds*

The Senior Planning Officer advised that updates had been provided in the Supplementary Document to the agenda.

The Senior Planning Officer presented the report in respect of Application 24/00497/FP supported by visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Ian Mantle
- Councillor Ruth Brown
- Councillor Nigel Mason
- Councillor Michael Muir

In response to questions, the Senior Planning Officer advised that:

- The supplementary document detailed the intention of the applicant to improve biodiversity on site and the Council Ecologist was happy to support this.
- No space had been lost with the reduction in the height of the roof from 16.3 to 14.6 meters. Where the height of the roof had been reduced, the floor space had been slightly increased to ensure there was no change to the overall space.

In response to questions, the Development and Conservation Manager advised that this was an extension of an established family business and therefore it would not meet the requirements for a Section 106.

Councillor Ian Mantle proposed to approve planning permission and Councillor Michael Muir seconded.

In response to the request for additional landscaping on site by Councillor Michael Muir, the Development and Conservation Manager advised that there was a standard condition for landscaping that could be submitted.

Councillor Michael Muir proposed the amended recommendation and Councillor Ruth Brown proposed, and following a vote, it was:

**RESOLVED:** That application 24/00497/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager subject to an additional Condition 13.

*“Condition 13*

*Prior to commencement of above ground works full details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscape details to be submitted shall include the following:*

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

d) *details of any earthworks proposed*

*The approved landscape details must be implemented on site prior to the first use of the hereby approved warehouse and retained on site thereafter.*

*Reason: To ensure the soft and hard landscaping is in accordance with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.”*

## 73 PLANNING APPEALS

Audio recording –2 hours 38 minutes 37 seconds

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

- 8 appeals had been lodged since the last report.
- One of the appeals lodged had been through the hearing procedure and related to 6 dwellings east of Ashmill Poultry Farm, Barkway, where permission was refused by the Committee in March 2024. This hearing would take place on 21 January 2025.
- A further hearing was arranged for site BA4, which was refused by the Committee in March 2024, as the allocation of affordable housing was not felt adequate. A public hearing was to be held at 9.30am on Thursday 21 November at the Council Offices and consultants had been appointed to defend the decision of the Council.
- Since April there had been 9 appeals dismissed and 2 had been allowed.

**RESOLVED:** That the Committee noted the report.

The meeting closed at 10.14 pm

Chair

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# Public Document Pack

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY, SG6 3JF  
ON THURSDAY, 24TH OCTOBER, 2024 AT 7.30 PM

#### MINUTES

**Present:** *Councillors: Elizabeth Dennis (Chair), Nigel Mason (Vice-Chair), Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Tom Tyson, Val Bryant, Mick Debenham and Steve Jarvis.*

**In Attendance:** *Isabelle Alajooz (Legal Manager and Deputy Monitoring Officer), Thomas Howe (Planning Officer), Susan Le Dain (Committee, Member and Scrutiny Officer), Anne McDonald (Development Management Team Leader) and Sjanet Wickenden (Committee, Member and Scrutiny Officer).*

**Also Present:** *At the commencement of the meeting there were approximately 8 members of the public, including registered speakers.*

#### 74 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 25 seconds*

Apologies for absence were received from Councillors Ruth Brown, Sadie Billing and Amy Allen.

Having given due notice Councillor Steve Jarvis substituted for Councillor Brown, Councillor Val Bryant substituted for Councillor Billing and Councillor Mick Debenham substituted for Councillor Allen.

#### 75 MINUTES - 26 SEPTEMBER 2024

*Audio Recording – 1 minute 58 seconds*

Councillor Elizabeth Dennis, as Chair, proposed and Councillor Nigel Mason seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 26 September 2024 be approved as a true record of the proceedings and be signed by the Chair.

#### 76 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 2 minutes 43 seconds*

There was no other business notified.

**77 CHAIR'S ANNOUNCEMENTS**

*Audio recording – 2 minutes 46 seconds*

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair clarified matters for the registered speakers.
- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.
- (5) Agenda Item 6, 24/00444/FP had been withdrawn from the agenda as the applicant had withdrawn the application, therefore there was no longer an application to consider.
- (6) The Chair advised of a change in the order of the agenda. Agenda Item 8 would be taken ahead of Agenda Item 7.

**78 PUBLIC PARTICIPATION**

*Audio recording – 6 minutes 6 seconds*

The Chair confirmed that the registered speakers were in attendance.

**79 24/00444/FP NORTHWAY FILLING STATION, GREAT NORTH ROAD, HINXWORTH, BALDOCK, HERTFORDSHIRE SG7 5EX**

The Chair confirmed that agenda item 6, 24/00444/FP had been withdrawn from the agenda following the withdrawal of the application, therefore there was no longer an application to consider.

**80 24/00671/FP GREENSIDE, LONDON ROAD, LANGLEY, HITCHIN, HERTFORDSHIRE SG4 7PP**

*Audio recording - 45 minutes 44 seconds*

The Development Management Team Leader advised that there had been two updates which were published as a Supplementary Document to the agenda:

- An updated response from Hertfordshire County Council Highways to advise they had no objections subject to the recommended conditions and informatives.
- As a result of a response from the Hertfordshire County Council Public Rights of Way team which suggested ways for traffic calming, Condition 17 had been added to the recommendations.

The Development Management Team Leader presented the report in respect of Application 24/00671/FP supported by visual presentation consisting of photographs and plans.

In response to a question from Councillor Ian Mantle, the Senior Planning Officer advised that the application was for 6 houses and not 5 houses as shown on the last slide.



The Chair invited Ms Nikki Alexander to speak as the agent to the applicant, in support of the application. Ms Alexander thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The scheme sought to change location of the access road to ensure cars entered via the front entrance of the site.
- The reduction in build form would enhance the character of the local area and openness to greenside.
- This proposal introduced pitched roofs in keeping with the building style of the local area.
- The design elements included oak frame features and horizontal board cladding.
- The scheme met current policies and the design approach would be carefully implemented.

There were no points of clarification for Members.

Councillor Caroline McDonnell proposed to grant permission, with the addition of Condition 17 and, Councillor Tom Tyson seconded and, following a vote, it was:

**RESOLVED:** That application 24/00671/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager subject to an additional Condition 17.

“Condition 17

*Prior to the first occupation of the first dwelling, a scheme of traffic calming measures is to be submitted to, and agreed in writing by, the Local Planning Authority, and installed on site and be retained thereafter.*

*Reason – to ensure traffic is moving at a slow speed to protect users of Footpath no.14. LP Policy T1.”*

**81 24/00952/FPH 14 OAKFIELDS AVENUE, KNEBWORTH, HERTFORDSHIRE SG3 6NP**

*Audio recording – 6 minutes 40 seconds*

The Planning Officer advised that:

- There had been 5 objections received rather than 2 as stated, but all the contents raised were all covered in the report.
- There was a slight amendment to the description of development to include the retention to the side door and rear bi-fold doors.
- This application had been called in by Councillor Paul Ward following an objection from Knebworth Parish Council.
- The material consideration related to the impact of the windows and doors and not to the matter of the copper beech tree previously felled on site.
- The ridge line of the property was currently incomplete, but this would be completed.
- As an update to Members, recent correspondences between the Planning Officer and Councillor Ward and the applicant were read out.

The Planning Officer presented the report in respect of Application 24/00952/FPH supported by a visual presentation consisting of photographs and plans.

The following Members asked questions:

- Councillor Tom Tyson
- Councillor Louise Peace
- Councillor Ian Mantle

In response to questions, the Planning Officer advised that this application was to retain the change to the colour of the existing windows from white to anthracite grey frames.

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

- He was a neighbour and lived at number 12 Oakfields Avenue.
- If this application was approved, it would mean planning conditions had been overruled.
- The submitted drawings detailed Georgian style windows for the property and the conditions were to match the style of the existing surrounding properties.
- There had been in fact 6 objections to this application and they should all be taken into account.
- The anthracite grey windows should be replaced with white Georgian style windows to the approved specification.

There were no points of clarification from Members.

The Chair thanked Mr Calver for his presentation and invited Ms Vivien Philips-Tate to speak against the application. Ms Philips-Tate thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- She lived opposite the property at number 9 Oakfields Avenue.
- There had previously been a significant number of objections from residents, but this had reduced as residents had become worn down over time.
- The previously granted planning conditions were not being enforced as they stipulated white windows.
- The applicant had previously applied for changes to plans before completing previous approved changes.
- The objections of the Parish Council had been discounted.
- If this application was approved, it would be setting a precedent for future applicants to ignore planning conditions.

In response to a point of clarification from Councillor Nigel Mason, Ms Philips Tate advised that no other front facing windows in the road were not white and people should comply with the planning laws.

The Chair thanked Ms Philips-Tate for her presentation and invited Councillor Paul Ward, as Ward Member, to speak against the application. Cllr Ward thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- He had been approached by neighbours and the Parish Council with matters relating to this site.
- There were 3 material grounds for objecting this application, which were firstly, that it was against policy KBBE4 of the Knebworth Neighbourhood Plan, as the windows were a different style to the majority in the vicinity and policy D1 of the Local Plan, as they did not enhance the special character of Knebworth village.
- Secondly, that the design and material were out of character of the rest of the street scene.

- Thirdly, that the previous decisions made by the Planning Control Committee were being ignored.

There were no points of clarification from Members.

The Development and Conservation Manager advised that to retain planning control it was common to seek the submission of a retrospective application when developers had failed to comply with planning conditions. The planning enforcement process should not be punitive. Seeking a retrospective application allowed the merits to be fully considered.

Councillor Ian Mantle proposed to grant planning permission and this was seconded by Councillor Emma Fernandes.

The following Members took part in a debate:

- Councillor Ian Mantle
- Councillor Nigel Mason
- Councillor Elizabeth Dennis
- Councillor Mick Debenham
- Councillor Caroline McDonnell
- Councillor Louise Peace
- Councillor Tom Tyson
- Councillor Steve Jarvis

Points raised in the debate included:

- There were no real grounds to refuse this application solely on the colour of the windows.
- If this was the first time this application was brought to the planning committee it would have been granted with anthracite grey windows.
- The windows of the house were white before the extension was built.
- All the windows of the extension and house now had anthracite grey windows.
- It was not the role of the planning committee to be punitive.
- The previous application had a condition imposed that the original windows should be retained, but this had now changed.

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

- This dwelling was set back from the road with trees on either side of the property, which provided a good screening.
- There were properties with other colours of windows and doors in Oakfields Avenue.
- During building works, bottle green window frames had been discovered which showed that at some point the windows had not been all white.
- Under section 55 of the Planning Act, as a change of windows to anthracite grey was not a huge difference to the original application, it would be deemed as acceptable.

In response to the points raised, the Development and Conservation Manager advised that it was a standard approach to impose a condition that all materials should match the existing materials. However, the aim here was to achieve consistency of the extension with the rest of the property and not necessarily with the other dwellings in the area.

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

**RESOLVED:** That application 24/00952/FPH be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

82 **PLANNING APPEALS**

*Audio recording - 58 minutes 10 seconds*

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

- A public hearing was arranged for an appeal lodged for site BA4, which was refused by the Committee in March 2024, as the allocation of affordable housing was not felt adequate. This hearing was to be held at 9.30am on Thursday 21 November at the Council Offices.
- 1 appeal decision had been made since the last hearing which related to a householder application for dormer windows to the loft space, which had been dismissed for the reasons set out in the summary and appeal notice.

**RESOLVED:** That the Committee noted the report.

The meeting closed at 8.34 pm

Chair

**PLANNING CONTROL COMMITTEE  
21 NOVEMBER 2024**

**PUBLIC DOCUMENT**

**TITLE OF REPORT: QUESTIONS FROM MEMBERS**

In accordance with Standing Order 4.8.11(a), three questions were submitted by Members by the deadline date for questions set out in the Council's Constitution.

Councillor Ralph Muncer to the Chair of the Planning Control Committee, Councillor Elizabeth Dennis:

- (1) What is the Council's policy regarding the application of its powers under the Listed Building Act 1990, the Town and Country Planning Act 1990, and the Buildings Act 1984, in respect of holding building owners to account for the dilapidation of Listed Buildings, especially for registered Assets of Community Value?
- (2) In particular, if the Council becomes aware that a Listed Building or building within a Conservation Area is at risk from dilapidation, to what extent will the Council allow the building to deteriorate before exercising its power to take formal legal enforcement action under the above acts?
- (3) If the owner's maintenance of a Listed Building falls below the Council's minimum standard requirement (as in (2) above), and indeed the minimum standard required by legislation, how much time will the Council give the owner to restore the building to comply with informal requests and comply with statutory requirements before taking formal legal action to protect the historic building?

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<u>Location:</u>	<b>Kimpton Grange Luton Road Kimpton Hitchin Hertfordshire SG4 8HA</b>
<u>Applicant:</u>	<b>Clear Architects</b>
<u>Proposal:</u>	<b>Conversion of existing dwelling "The Lodge" into 6 apartments (5 x 2-bed and 1 x 3-bed). Erection of four terraced 2-bed dwellings and five detached dwellings (1 x 5-bed, 2 x 4-bed and 2 x 2-bed) including landscaping and parking following demolition of existing buildings. Alteration of existing access and creation of additional access.</b>
<u>Ref. No:</u>	<b>22/02675/FP</b>
<u>Officer:</u>	<b>Ben Glover</b>

**Date of expiry of statutory period:** 16/01/2023

**Extension of statutory period:** 17/04/2024

**Reason for delay:** Awaiting consultee responses and in order to present the application to an available Planning Control Committee Meeting.

**Reason for Referral to Committee:** The application is for residential development with a site area greater than 0.5 hectares.

**1.0. Site History:**

- 1.1. 21/00653/FP - Conversion of existing barn to create three 3-bed dwellings including creation of new access and footpath link to Kimpton – Granted Conditional Permission on 20/09/2021.

**2.0. Policies:**

**2.1. 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

## 2.2. **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

## 2.3. **Supplementary Planning Documents**

Design SPD

Developer Contributions SPD 2023

Vehicle Parking Provision at New Development SPD (2011)

## 3.0. **Representations:**

### 3.1. **Site Notice:**

Start date: 26/10/2022

Expiry Date: 18/11/2022

### 3.2. **Press Notice:**

Start date: 27/10/2022

Expiry Date: 19/11/2022



### 3.3. Neighbouring Notifications:

18 neighbouring representations have been received including 16 objections and one in support, and one neutral. The comments are summarised below:

#### Objection:

- Inappropriate development within the Green Belt and Conservation Area.
- The site is outside the Kimpton village boundary.
- Development would not preserve the openness of the Green Belt and no very special circumstances have been demonstrated.
- Proposal not in keeping with the character of the Conservation Area.
- Would encourage ribbon development along Kimpton Bottom.
- The new dwellings would be visible.
- Development would not be in accordance with the neighbourhood plan.
- Development would result in the loss of trees.
- No guarantee that the land to be gifted would be fulfilled after planning is granted.
- Increase to traffic and impact to local road network.
- Loss of outlook.
- Do not want to connect Kimpton and Kimpton Bottom through development of the site.
- The development would not constitute infill development.
- Impact and loss of wildlife.
- Land being gifted to residents along Kimpton Bottom will become responsible for the management of trees.
- There are several grade II listed houses and barns of merit along Kimpton Bottom.
- The development could be used to justify further residential development.

#### Supports:

- The development would create an existing new era for The Grange while being sympathetic to the environment.
- Affordable homes have been included.

#### Neutral:

- Approval would set a precedent for similar development in the Green Belt and Conservation Areas.
- The stretch of woodland along Kimpton Bottom and near to the junction to the High Street / Luton Road has been a recognised rookery for over a century.
- The removal of trees to provide four affordable houses is inappropriate.
- Objects to the potential of a car park for on-site users of the nature area.
- No objection to the development of the existing Grange housing into apartments.

### 3.4. Parish Council / Statutory Consultees:

- **HCC Highways:** No objection subject to conditions and informatives.
- **Kimpton Parish Council:** No objection. Concerns raised to the location of the four affordable dwellings close to the southern boundary, and to the safety of pedestrians and drivers existing from the site onto the High Street.

- **Affinity Water:** No comments.
- 
- **Anglian Water:** No comments.
- **Archaeology:** No objection subject to inclusion of conditions.
- **Environmental Health (Contaminated Land):** No objection subject to the inclusion of conditions.
- **Environmental Health (Noise):** No objection.
- **Environmental Health (Air Quality):** No objection subject to the inclusion of conditions.
- **The Water Officer:** No comments received.
- **HCC Growth & Infrastructure:** No objection.
- **HCC Planning Obligations Officer:** No comments received.
- **NHDC Housing Development Officer:** No objection.
- **Herts Fire & Rescue:** No comments received.
- **Lead Local Flood Authority:** No objection.
- **HCC Minerals & Waste Authority:** No objection.
- **Ecology:** No objection subject to conditions and informatives.
- **NHDC Policy Officer:** No comments received.
- **Waste & Recycling Officer:** No objection.

#### 4.0. **Planning Considerations:**

##### 4.1. **Site and Surroundings**

- 4.1.1. Kimpton Grange is a large 9.73ha estate situated to the north of High Street, Kimpton. To the east of the site runs Luton Road and Kimpton Road runs to the north. The application site is situated within the Green Belt and Kimpton Bottom Conservation Area.
- 4.1.2. Existing structures within the site includes the large main house known as 'The Lodge', a large existing storage barn to the north of The Lodge, existing cottages, and several smaller storage buildings, green houses, and pool buildings.
- 4.1.3. The site features a small lake to the south of the site and significant areas of trees to the northwest and along the eastern and southern boundaries. There are two means of access into the site with one to the north on to Kimpton Road and one to the south on to the High Street.

4.1.4. The site is situated outside of the Kimpton Village Boundary with the core of the village being situated to the east. There are several existing residential properties to the south of the site that run along Kimpton Bottom and the High Street.

4.1.5. There are several Grade II Listed Buildings along Kimpton Bottom that share a boundary with the application site. These properties are known as 'Stoneheaps' and 'Bottom Cottage'. Whilst not sharing a boundary with the application site, a Grade II Listed building known as the 'The Commons' is situated to the northeast of the site along Luton Road.

#### 4.2. **Proposal**

4.2.1. Planning permission is sought for the conversion of 'The Lodge' into six two and three bed apartments (5x 2-bed, 1x 3-bed), the erection of four terraced two bed affordable dwellings, and five detached dwellings consisting of 2x 2-bed, 2x 4-bed, and 1x 5-bed. The proposal includes landscaping and the demolition of existing buildings within the site including the storage barn. Permission is also sought for alterations to the existing site access to the north and the creation of a new access to the south. Other works include the creation and alterations of boundary treatments including fencing.

#### 4.3. **Key Issues**

4.3.1. The key issues for consideration are as follows:

- The principle of the proposed development within the Green Belt.
- The impact of the proposed development on the openness and purposes of the Green Belt.
- The impact of the proposed development on the significance of designated heritage assets including the Kimpton Bottom Conservation Area.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the locality.
- The standard of amenity for future occupiers of the proposed development.
- The impact the proposed development would have on the living conditions of nearby neighbouring occupiers.
- The impact that the proposed development would have on car parking provision and highways safety in the area.
- The impact of the proposed development on the surrounding landscape and trees.
- The impact of the proposed development upon ecology and biodiversity.
- The impact of the proposal on drainage and flood risk.
- The impact of the proposed development would have on sustainability and the environment.

##### Principle of Development in the Green Belt:

4.3.2. Kimpton Grange is situated within the Green Belt and is outside of the Kimpton village boundary.

4.3.3. Paragraph 142 of the National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.

- 4.3.4 Policy SP5 of the North Hertfordshire Local Plan (NHLP) supports the principles of the Green Belt and sets out that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated.
- 4.3.5 Paragraph 143 of the NPPF sets out the five purposes of the Green Belt:
- To check the unrestricted sprawl of large built-up areas;
  - To prevent neighbouring towns merging into one another;
  - To assist in safeguarding the countryside from encroachment;
  - To preserve the setting and special character of historic towns; and
  - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.3.6 Paragraph 152 of the NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*.
- 4.3.7 Paragraph 153 of the NPPF goes on to states that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt”*.
- 4.3.8 Paragraph 154 of the NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it falls within one of the exceptions listed.
- 4.3.9 One of the exceptions listed is Paragraph 154 g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would: *not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority*. The applicant considers that the proposal falls within the above exemption and that the proposal is therefore not inappropriate development within the Green Belt and consequently very special circumstances are not required.
- 4.3.10 The proposed development involves previously developed land. Therefore, for the above exemption to apply, the proposed development would be required to not cause substantial harm to the openness of the Green Belt and contribute to meeting an identified affordable housing need within the district.
- 4.3.11 The existing site is occupied by a large dwelling, known as Kimpton Grange and also identified as ‘The Lodge’ on plan. The site also contains two existing occupied cottages to the north of the Lodge, a large barn with a crown roof, and two walled gardens with one containing a swimming pool and the other containing a greenhouse buildings. There are also several more sporadic outbuildings around the site and associated with the main building.

- 4.3.12 The proposed development would include the conversion of the Lodge into six flats, the erection of five market homes, and four affordable homes.
- 4.3.13 The demolition would include the removal of the large 530sqm storage barn and removal of the greenhouses and other associated outbuildings.
- 4.3.14 Completion of the works would see a small reduction in built form within the site with the volume decreasing from 11,450m<sup>3</sup> down to 11,282m<sup>3</sup>.
- 4.3.15 Green Belt openness is capable of having both a spatial and visual aspect. With the volume of built form within the site reducing, there would be a numerical spatial improvement to the openness of the site.
- 4.3.16 The demolition of the 530sqm storage barn situated within the northern part of the site would improve the setting of the two existing cottages and the Lodge. Furthermore, the demolition would result in visual improvements to openness in this part of the site.
- 4.3.17 Development within the site would move from the north of the Lodge to south of the Lodge with the erection of three detached dwellings identified as 'Lake Houses'. Two of the lake houses would sit on the northern side of the existing lake, and one to the southern side. The three dwellings would be 1 ½ storey in height with first floor accommodation contained within the roof. The lake houses would be well screened from public view by reason of the site's topography and mature vegetation around much of the site's boundaries. The erection of the three dwellings would result in harm to the openness to this part of the site but would be mitigated through the demolition of the large storage barn and improvements in openness to that part of the site.
- 4.3.18 The proposal would also see the erection of two single storey detached dwellings to the west of the Lodge. The two dwellings would be contained within the existing walled gardens of the site and would replace the existing greenhouses and other outbuildings. There would be a net increase in built form to this part of the site however, considering the single storey height proposed, removal of outbuildings, and the containment of the development within the existing garden walls of the site, the impact of this part of the development upon openness would be limited.
- 4.3.19 The proposed affordable units, in the form of a terrace of four dwellings, would be sited to the southern boundary of the site. The four dwellings would be visible from within the public highway. Whilst they would contribute to affordable housing stock in the district, their location would result in harm to the visual openness of the Green Belt. However, the four dwellings would be neighboured to the east, south, and west by large numbers of existing residential dwellings. The harm to openness resulting from this part of the development would be limited by appearing to be infilling between existing development. Moreover, there is an identified need for more affordable housing within the District.
- 4.3.20 Visual harm to the openness of the Green Belt has been identified however, this harm would not be substantial given the small reduction in spatial harm to openness, and the improvements to visual openness elsewhere within the site. Officers consider that the proposal would, on balance, not cause substantial harm to the openness of the Green Belt and contribute to meeting an identified affordable housing need within the District and therefore comply with the exception offered under Paragraph 154 g) of the NPPF.

4.3.21 Paragraph 143 of the NPPF sets out the five purposes of the Green Belt. With the site being previously developed land, the proposed development would not conflict with these purposes. The exemption under Paragraph 154 g) does not in any event require the proposal to be assessed against the purposes of the Green Belt.

Impact on Designated Heritage Assets:

4.3.22 The application site is situated within the Kimpton Bottom Conservation Area. The site is close to several Listed Buildings including Bottom Cottage (Grade II) to the south, Stoneheaps (Grade II) to the south, and The Commons (Grade II) to the north east of the site.

4.3.23 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.

4.3.24 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”*

4.3.25 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.”*

4.3.26 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.”*

4.3.27 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.”*

4.3.28 The application site makes up a significant portion of the Kimpton Bottom Conservation Area however, it is noted that views into the site are restricted from public view by well-established vegetation along the boundaries of Kimpton Grange.

4.3.29 Kimpton Grange and the existing cottages within the site have been identified within Conservation Area Character Statement as buildings that make a positive contribution to the character or appearance of the conservation area.

- 4.3.30 The proposed development would retain Kimpton Grange as a positive building within the character area through the retention of the majority of the building and restoration of its appearance. Furthermore, the demolition of the storage barn would open-up the northern part of the site and enhance the appearance and contribution the two cottages make to the conservation area.
- 4.3.31 The five proposed market units within the site would be well screened from public view limiting their impact upon the appearance of the conservation area as viewed from the public realm. Furthermore, their siting away from the party boundaries with neighbouring listed buildings would limit any harm to their listed significance.
- 4.3.32 The four affordable units to the southern boundary of the application site would be visible from within the street scene, although it is noted that they would be partially screened behind a 2m high hedgerow and through the retention of mature vegetation in proximity to the proposed dwellings.
- 4.3.33 The design of the affordable units would reflect the appearance of the existing terraced properties to the west of the site along Kimpton Bottom. The dwellings proposed would incorporate chimney stacks, appropriate materials, and fenestration detailing.
- 4.3.34 The introduction of the four affordable units to part of the site that is visible from public vantagepoints would result in some limited harm to the appearance of the Kimpton Bottom Conservation Area and great weight is attributed to this harm, however there would be public benefits arising from the provision of affordable housing which weighs in favour of the proposal, and this will be addressed later in this report.
- 4.3.35 In conclusion, limited harm has been identified to the appearance of the Conservation Area as a result of the siting of the four dwellings to the southern boundary. This harm will be assessed against the public benefits of the scheme in the report below.

#### Design and Appearance:

- 4.3.36 The objectives of the NPPF include those seeking to secure the creation of high quality, beautiful, and sustainable buildings and places (Section 12 – Achieving well-designed places). Paragraph 131 of the NPPF states that “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable communities”.
- 4.3.37 Policy SP9 of the Local Plan sets out that good design is a key aspect of sustainable development, and that new development will be supported where it is well designed. Policy D2 of the Local Plan sets out that planning permission will be granted provided that the development proposal responds positively to the site’s local context and takes all reasonable opportunities to create or enhance public realm, reduce energy consumption and waste, and retain existing vegetation and propose appropriate new planting.

- 4.3.38 The site is a large plot that contains several existing residential properties, including Kimpton Grange. The site also features a number of associated residential uses within the site including a tennis court, walled gardens, a swimming pool, and landscaped gardens. As established in the report above, the site is well screened from views within nearby public highways due to the mature vegetation that bounds much of the site.
- 4.3.39 The conversion of Kimpton Grange, identified as 'The Lodge' on the submitted plans, would appropriately maintain the existing appearance of the building. The works to The Lodge would include a small extension to the north elevation that would create a cycle and bin store. Sustainable features would also be incorporated into the development of the building including a ground source heat pump and rainwater harvesting tanks for use as grey water.
- 4.3.40 Three Lake House would be sited around the lake. The properties would be part single and part two storey in height. The single storey section would feature a gabled roof form and is linked to the two-storey section by a single storey flat roof element. Materials would include locally reclaimed brick, zinc cladding to the dormers, and natural slate roof tiles. The flat roofed section would feature a wildflower green roof. Each of the three dwellings would be net zero homes.
- 4.3.41 The site features walled gardens to the west of the Lodge. The proposed development includes the erection of two single storey detached dwellings of matching design within the walled gardens of the site. The dwellings would feature a green roof to the flat roof section and would reuse the roof tiles from the to be demolished barn to the gabled roof section.
- 4.3.42 The four terraced dwellings, identified as 'The Cottages', to the front of the site would feature a gabled roof form with chimney stacks, clay roof tiles, red brick, and charred timber cladding. The design of the four properties take cues from the existing terraced dwellings that front Kimpton Bottom to the west of the site. The design of the properties would also incorporate sustainable features such as PV panels to the street facing elevation. The four dwellings would also feature fenestration appropriate to the character of the area. The design of the dwellings would be of an acceptable quality.
- 4.3.43 The proposed development is considered to be of high-quality thought through design. The development incorporates high quality materials, and the reuse existing materials found within the site. Furthermore, the development would provide net zero homes. The proposed development would comply with Policy D1 of the NHLP and the principles set out within the NPPF.

Standard of Living for Future Occupiers:

- 4.3.44 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.
- 4.3.45 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.



4.3.46 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.

4.3.47 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 Amenity:

4.3.48 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.

4.3.49 The application site is neighboured to the north by Old Barn Cottage and Fieldview Cottage, which sit to the west of the existing access road. To the east of the site are properties that front the High Street, including a new residential development. TO the southeast are several properties that sit to on the opposite side of the road to the application site. To the south and southwest are properties that back onto the site and front Kimpton Grange.

4.3.50 Within the site are Nos. 1 and 2 Grange Cottages that sit close to the north of Kimpton Grange Lodge.

4.3.51 The properties that surround the site are well set away from much of the development proposed. Furthermore, there is well established vegetation along the boundaries of the site that obscure views to and from Kimpton Grange. Therefore, the impact of the proposed development upon the amenities of nearby neighbouring properties would be very limited.

4.3.52 The cottages within the site would likely benefit from an improvement in amenity due to the demolition of the large barn that sits close to the rear of the two properties. The development to The Lodge would also not result in unacceptable overlooking of the existing properties within the site.

4.3.53 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:

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

4.3.55 The Highways Authority concluded that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway.

4.3.56 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:

4.3.57 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'.

4.3.58 Each property within the site would benefit from two car parking spaces. Visitor parking is also provided for within the site. Parking spaces within the site will be allocated to future occupants of the site. Cycle parking has also been provided within the site.

4.3.59 In conclusion, the proposed development would comply with local car parking standards and relevant planning policy.

#### Flood Risk and Drainage:

4.3.60 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.

4.3.61 The application site is in Flood Zone 1, which has the lowest probability of flooding from rivers.

4.3.62 The Lead Local Flood Authority have been consulted and have raised no objection to the proposed development subject to the inclusion of relevant conditions.

#### Landscape and Greenspace:

4.3.63 The proposed development would result in the removal of several trees within the site, particularly to the area of the site on which the four affordable units are proposed.

4.3.64 The trees to be removed on this part of the site are predominately Category C (low value). Several Category U (poor condition / health) trees are also to be removed to this part of the site. The proposal would also include the removal of several Category B (moderate value / quality) trees to this part of the site.

- 4.3.65 The landscape proposals set out that the development would supplement the existing trees to replace any removed specimens.
- 4.3.66 Furthermore, the landscape proposals set out a substantial suite of works proposed within the site with the aim of enhancing the landscape quality of the site. This would include the maintenance of existing trees, enhancement of the lake, planting of new trees throughout the site, and the creation of wildflower meadows.
- 4.3.67 The proposed development intends to partition the site to create a public amenity space for occupants of Kimpton. Landscaping is proposed to this part of the land including creation of woodland paths, wildflower meadows, and new tree planting.
- 4.3.68 The trees to be removed are predominately of low value and they would be replaced elsewhere on site. It is considered that the development would provide improvements to landscape and greenspace within the site in accordance with both local and national planning policies.

Biodiversity and Ecology:

- 4.3.69 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.
- 4.3.70 At the time of submission, the requirement to deliver a 10% biodiversity net gain was not in place.
- 4.3.71 Hertfordshire Ecology have been consulted on the scheme and have raised no objections subject to the inclusion of conditions and informatives.
- 4.3.72 Supplementary documents submitted alongside the application state that the development would result in a 51.35% increase in biodiversity net gain. This gain would be monitored over the first five years of the development following occupation.
- 4.3.73 On site biodiversity improvements would also include the provision of bird and bat boxes, reptile hibernaculum, stag beetle logger and breeding boxes, bug boxes, and hedgehog domes.
- 4.3.74 Given the significant gain in the overall biodiversity of the site and the enhancement of the landscaping, the proposed development would comply with both local and national planning policies.

Environmental Health Considerations:

- 4.3.75 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:

- 4.3.76 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.
- 4.3.77 The scheme includes a wide range of sustainability features that would substantially reduce energy consumption and waste throughout the site. The scheme aims to improve the RIBA 2030 targets through the inclusion of ground source heat pumps, rainwater harvesting, PV panels, green roofs, building orientation to benefit from solar gain, and a fabric first approach to reduce heat loss and energy consumption of the buildings.
- 4.3.78 Electric Vehicle charging points would also be required to be incorporated throughout the site.
- 4.3.79 Given the above, it is considered that the development would be in compliance with both local and national planning policies.

#### Other Issues:

- 4.3.80 The application shows the gifting of land to allow for the creation of residential garden to several neighbouring residential properties. This is a matter that falls outside of the planning system, and I attach no weight to the gifting of land to the neighbouring properties.
- 4.3.81 The applicant has included, within the application, for a substantial section of the site to be gifted to the Parish Council for the creation of a public open space by Kimpton Residents. This gifting of land, alongside funding for its maintenance, is to be secured through the S106 agreement.
- 4.3.82 There are several public rights of way in the area, and existing green space within the village for us by residents, including the recreation ground off the Kimpton High Street. The proposed public space, which would be accessed through the southern entrance of the site, would provide benefits to the existing nearby residents to the site. Therefore, the gifting of the land for public use is considered a positive wider public benefit of the scheme however, I attach limited weight in favour of the gifted public land.

#### Planning Obligations:

- 4.3.83 The proposed development would provide four affordable dwellings (approximately 25%), which would be compliant with Policy HS2 of the NHLP. Three of the dwellings would be social or affordable rented units and one would be a shared ownership unit.
- 4.3.84 Other obligations to be agreed include:
- £2,519 Library Services Contribution – Applied towards the cost of increasing capacity at Hitchin Library.
  - £70,613 Secondary Education Contribution – Applied towards the expansion of Katherine Warrington School.
  - £11,401 SEND Contribution – Applied towards the delivery of new Severe Learning Difficulty special school place.

- £1,974 Youth Service Contribution – applied towards sourcing a new exclusive or shared use young people’s centre serving Hitchin and the surrounding area.
- £340 Monitoring Fee Contribution towards Hertfordshire Country Council.
- £10,000 annual maintenance fee towards the Parish Councils maintenance of the gifted land.

4.3.85 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.

#### **4.4 Planning Balance and Conclusion**

4.4.1 Kimpton Grange is situated within the Green Belt and within the Kimpton Bottom Conservation Area. Harm has been identified to both as a result of the proposed development.

4.4.2 The development would result in harm to the visual openness of the Green Belt by reason of the introduction of development to parts of the site which currently has none.

4.4.3 The harm identified is however considered to be limited and therefore compliant with Paragraph 154 g) of the NPPF given the contribution to affordable housing proposed as part of the development proposed.

4.4.4 The harm identified to the appearance of the Kimpton Bottom Conservation Area would be less than substantial. However, great weight is attributed to this harm as required by NPPF 205. The four dwellings that would be visible from within public spaces would be designed appropriately to the context of the area. Furthermore, the public benefits of providing policy compliant affordable housing and the delivery of homes to which significant weight is attributed would outweigh the harm identified.

4.4.5 Furthermore, the applicant has also identified several very special circumstances (VSC) that weigh in favour of the proposed development. The VSC identified includes:

- The gifting of land, to be used as public open space, to the Parish Council.
- The gifting of land to nearby neighbours to enable a number of properties to have rear gardens, improving the residential amenity of residential occupiers.
- The inclusion of affordable housing for local people in excess of the requirements of the Council.
- The creation of a high level of biodiversity net gain (51.35%) within the site.
- The provision of carbon neutral homes as a good exemplar project for sustainability within the district, which would be part of a five-year monitoring programme for energy use to learn from in changing landscaping to help reduce the performance gap.

4.4.6 The VSC put forward by the applicant has been noted. Limited weight is afforded to the gifting of land to the Parish Council and no weight is afforded to the gifting of land to neighbouring residents. The gifting of land for public use would be a social benefit of the scheme, and as it is not a policy requirement is considered that significant weight can be attributed to this as a public benefit.

4.4.7 Weight is given to the substantial biodiversity net gains that would be delivered through the development of the site. At the time of submission, a biodiversity net gain of 10% was not required.

Net gain is however required through the application of Policy NE7 of the NHLP. A gain of 51% is a considerable environmental benefit and therefore significant weight is attached in favour of the development.

- 4.4.8 The provisions of four affordable housing units as part of the scheme is attached significant weight. Four units would be policy compliant for a scheme of 11 market units and would be a significant social and economic benefit of the scheme.
- 4.4.9 The development proposes carbon neutral homes and several other highly sustainable features that go above and beyond what would normally be expected as part of a development of this type. The development would therefore limit its impact to climate change for the long term. Moderate weight is afforded to this environmental benefit.
- 4.4.10 The proposed development would consist of well-designed buildings that would incorporate appropriate materials and design features within the context of the site. Furthermore, the development would include extensive improvements to landscaping within the boundary of the site enhancing the character and appearance of the site in the area.
- 4.4.11 There would be no harm to the amenities of neighbouring properties, and the standard of amenity for future occupiers of the site would be high. Car parking would be policy compliant, and the impact to the local highways network would be acceptable.
- 4.4.12 There would be several economic benefits through the development of the site and the jobs created in construction and supply chains.
- 4.4.13 The scheme would also provide S106 contributions that would mitigate the impact of the development.
- 4.4.14 In conclusion of the above, whilst there would be harm to the openness of the Green Belt and harm to the character or appearance of the Kimpton Bottom Conservation Area, it is considered that the benefits of the scheme identified above would outweigh the harm.

## 5.0 **Alternative Options**

- 5.1 None applicable

## 6.0 **Pre-Commencement Conditions**

- 6.1 Conditions are yet to be agreed with the agent. An update will be provided prior to the Planning Control Committee meeting.

## 7.0 **Legal Implications**

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

## 8.0 **Recommendation**

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

- 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
- 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 roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

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

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

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of protecting the Green Belt and the character and amenities of the area and to comply with Policy SP5, Policy D1, and Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

5. Before commencement of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the following listed works below. All these works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation via s278 agreement.

- Short length of footpath to the western side of the Kimpton Road access to access Footpath 037.
- Tactile paving across the existing access on High Street.
- Pedestrian dropped kerbs on the eastern side of the access on High Street to the island on the Coopers Hill Junction

- Tactile/ blister paving and dropped kerbs from the island on the junction with Coopers Hill to the southeastern side of High Street.
- Tactile/blister paving across the access of the cul-de-sac on High Street between Nos 188 and 199.
- Replacement of the Luton Road bus shelter (westerly direction) on the southern side of High Street to include easy access Kassel Kerbs and real time information board.
- Installation of a bus shelter (easterly direction) to include easy access Kassel kerbs, dropped kerbs & tactile/blister paving either side of High Street, and real time information board.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 114 - 116 of the NPPF (December 2023).

6. Before commencement of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the appropriate vehicular visibility splays onto Kimpton Road and shall be provided in full accordance with speed survey result. The splay shall thereafter be always retained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

7. Prior to the first occupation of the development hereby permitted, provision shall be made for two disabled parking bays for the northern development site, accessed from Kimpton Road.

Reason: To ensure accessibility for disabled drivers in accordance with Policies 1, 5 and 6 of Hertfordshire's Local Transport Plan (adopted 2018)

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

- Access arrangements to the site.
- Traffic management requirements.
- Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas).
- Siting and details of wheel washing facilities.
- Cleaning of site entrances, site tracks and the adjacent public highway.
- Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.
- Provision of sufficient on-site parking prior to commencement of construction activities.
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway.



- Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding which must be kept within the site boundary, pedestrian routes and remaining road width for vehicle movements.

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).

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

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as required by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation [www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk)
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

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

10. No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted Jomas Associates Ltd report dated 30th June 2022 (Ref: 19720R01), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

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. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (ref 1528-FRA-220530 and date 16 July 2023) and Drainage Strategy Drawing (No.: C-6005 Dated 05 September 2024), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level, maximum design water level and 150mm above the surrounding proposed external ground level unless otherwise first approved in writing by the Local Planning Authority.

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

13. 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 District Council.

14. 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 (ref 1528-FRA-220530 and date 16 July 2023) and Drawings (No.: C-6005 Dated 05 September 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 that the development achieves a high standard of sustainability and to comply with NPPF and Policies of North Herts District Council.

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

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

16. 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 [Condition 1 Above]. 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 District Council.

**Proactive Statement:**

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

**Informative/s:**

1. Environmental Health Informative:

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

2. Environmental Health Informative:

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

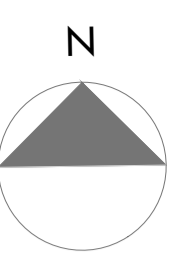
3. Extent of highway: Information on obtaining the extent of public highway around the site can be acquired from the County Council's website at: [www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx).

4. 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.

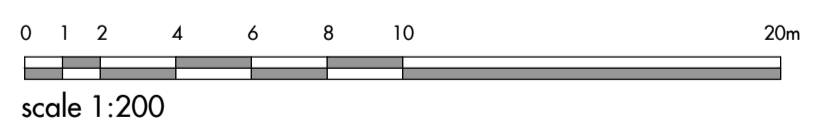
5. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right 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.
6. 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.
7. 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.
8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is also subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. All remediation works shall be carried out in accordance with the approved scheme before any dwelling hereby permitted is first occupied.
9. This scheme should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites

10. In order to protect breeding birds, their nests, eggs and young, development should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e., no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist.  
If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.
11. To protect any mammals commuting through or foraging within the site, any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

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**Site Boundary:**

- - - Site boundary assumed and indicated as shown based on interpretation of Land Registry site plan supplied by Client and topographical survey.
- - - Should exact clarification of boundary be required then a third party boundary professional must be appointed
- Site ownership boundary

**Notes**

1. Drawing used for the status indicated only
2. All dimensions and setting out shall be checked and confirmed and any discrepancies to be reported to the Architect prior to commencement of any work
3. All work and materials to be in accordance with current statutory legislation, relevant codes of practice and British Standards
4. Drawing to be read in accordance with relevant consultants and sub-contractors drawings and specifications
5. This drawing is the property of Clear Architects Ltd and is not to be used in whole or in part without written consent

Key plan

No	Revision
-	issued to planning

Date
XX/07/22

Drawn By	Checked By
-	-

Drawing Status
Planning - DRAFT

Project
Kimpton Grange Plummers Lane Kimpton, Hitchin SG4 8HA

Scale	Sheet
1:200	A1

Title
Existing Site Plan

Drawn By	Checked By
TB	BL

Drawing No.	Rev	Date
368-EX-01	-	March-22



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<u>Location:</u>	<b>Land On The North East Side Of The Close Codicote Hertfordshire</b>
<u>Applicant:</u>	<b>Manor Oak Homes</b>
<u>Proposal:</u>	<b>Outline planning application for the erection of up to 42 residential dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system and new access arrangements from The Close (all matters reserved except means of access) (as amended by plans and information submitted 8th April 2024 and 13th August 2024).</b>
<u>Ref. No:</u>	23/02895/OP
<u>Officer:</u>	<b>Alex Howard</b>

**Date of expiry of statutory period:** 20/03/2024

**Extension of statutory period:** 28/11/2024

**Reason for Delay:**

To address consultation responses and to present the application to an available committee meeting.

**Reason for Referral to Committee:**

The application is for residential development and the site area totals more than 0.5HA.

1.0 **Site History**

1.1 None.

2.0 **Policies**

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

Policy SP1: Sustainable Development in North Hertfordshire  
Policy SP2: Settlement Hierarchy and Spatial Distribution  
Policy SP6: Sustainable Transport  
Policy 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 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: Landscape  
Policy NE2: Green Infrastructure  
Policy NE4: Biodiversity and Geological Sites  
Policy NE6: New and improved public open space and biodiversity  
Policy NE7: Reducing Flood Risk  
Policy Ne8: Sustainable Drainage Systems  
Policy NE12: Renewable and Low Carbon Energy Development  
Policy HE1: Designated Heritage Assets  
Policy HE4: Archaeology.

## 2.2 **National Planning Policy Framework (December 2023)**

Section 2: Achieving sustainable development  
Section 3: Plan making  
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  
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/Guidance

Developer Contributions SPD – January 2023  
Sustainability SPD – September 2024

## 3.0 **Representations**

### 3.1 **Site Notice and Neighbour Consultation** – 34 neighbour representations have been received, 32 objections and 2 neutrals, raising the following matters (summary):

- The village does not have the necessary infrastructure to accommodate more housing and traffic (schools, GPs, dentists, shops and pubs etc).
- The houses already being built in Codicote are not selling.
- Parking is already an issue on the High Street, this would make matters worse
- The site is on Green Belt land.
- The affordable housing provisions are not actually affordable.
- The scheme seeks to move established public footpaths.
- The proposal would make the existing electricity outages worse.
- Sewers have been known to overflow; the scheme would enhance this issue.
- Access and parking for construction traffic will be a problem at this site and surrounding roads, including the congested High Street.
- The construction of this site will have noise/nuisance impacts that will disrupt residents.

- The scheme will devalue nearby dwellings as there will no longer be an adjacent open space.
  - More crime and noise will occur in the neighbourhood.
  - The existing flood risk will be increased.
  - The wildlife on the site will be impacted by the development, including protected slow worms.
  - Privacy for adjacent properties will be lost by the development.
  - The existing trees and vegetation on the site have been removed by the owner.
  - Lots of residents/dog walkers use this site at present.
  - Applications have been refused at this site in the past due to several reasons.
  - The development would be facilitated by the introduction of a footpath on the east side of The Close, which will see the existing informal parking area for residents lost with not alternative area.
  - The proposed access is inadequate for the development of this scale.
  - The scheme should incorporate swift bricks on all dwellings.
- 3.2 **Hertfordshire Highways** – Three formal responses have been received from the Highway Authority in January, May and September 2024. In the first two responses, Highways objected noting several concerns with the proposal in respect of highways impacts, primarily relating to the access design, crossing details to Valley Road and the lack of an introduced footpath on the east side of The Close. Following amendments to the proposal which sought to amend the proposed access layout, crossing points and now introducing a footpath on the east side of The Close, the Highway Authority responded with no objections subject to conditions and requested contributions towards sustainable transport, in line with their Toolkit.
- 3.3 **Codicote Parish Council** – Objects to the proposal on the following grounds (summary):
- Important to consider this application in the context of the other three allocated sites.
  - The site was allocated contingent on the cumulative impact of the four allocated sites, no measures have been proposed to address this.
  - Residents do not want this development, contrary to what is stated.
  - Concerns with the access arrangements into the site, which have serious existing issues.
  - The site has surface water and flood risk concerns. Not convinced that the proposed SUDs will address these concerns.
  - No demonstration of justification for loss of green belt land.
  - The scheme will result in loss of wildlife habitat and impact on slow worm populations.
  - The applicant will not be the ones to build out this scheme if approved.
- 3.4 **Environmental Health (Air Quality, Land Contamination, Noise/Nuisances)** – No objection subject to conditions relating to Phase 2 site investigations and Electric Vehicle (EV) charging points.
- 3.5 **Hertfordshire Ecology** – Two formal responses have been received from Herts Ecology in February and October 2024. No objections were raised subject to conditions initially, relating to a Construction Environmental Management Plan (CEMP), lighting strategy and Biodiversity Net Gain (BNG). Following a change to the proposed slow worm translocation site and subsequent BNG metric, Herts Ecology formally responded again with no objections subject to further conditions, including a Biodiversity and Enhancement Management Plan (BEMP).

3.6 **Hertfordshire Growth and Infrastructure** – Formally responded seeking the following housing mix and financial contributions for the relevant projects:

HOUSES			FLATS		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent	Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1	0	0	1	0	2
2	6	3	2	1	1
3	17	4	3	0	0
4+	7	1	4+	0	0
<b>Total</b>	<b>30</b>	<b>8</b>	<b>Total</b>	<b>1</b>	<b>3</b>

Trajectory						
Year	2024	2025	2026	2027	2028	2029
Units			30	12		

- Primary Education Contribution towards the expansion of Codicote C of E Primary School and/or provision serving the development (£543,690 index linked to BCIS 1Q2022).
- Secondary Education Contribution towards the expansion of Monks Wood Secondary School and/or provision serving the development (£490,609 index linked to BCIS 1Q2022).
- Childcare Contribution towards increasing the capacity of 0-2 year old childcare facilities at Codicote Pre School and/or provision serving the development (£33,484 index linked to BCIS 1Q2022).
- Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities at Codicote Primary School and/or provision serving the development (£513 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 (£54,460 index linked to BCIS 1Q2022).
- Library Service Contribution towards increasing the capacity of Welwyn village library and/or provision serving the development (£9,555 index linked to BCIS 1Q2022)
- Youth Service Contribution towards the delivery of a new centre at Stevenage and/or provision serving the development (£12,713 index linked to BCIS 1Q.2022)
- Waste Service Recycling Centre Contribution towards the new provision at Welwyn Garden City and/or provision serving the development (£4,239 index linked to BCIS 1Q2022).
- Waste Service Transfer Station Contribution towards the new provision at Northern Transfer Station and/or provision serving the development (£7,212 index linked to BCIS 3Q2022).
- Fire and Rescue Service Contribution towards the expansion at Welwyn Garden City fire station and/or provision serving the development (£15,985 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.

3.7 **Hertfordshire Archaeology** – No objection subject to conditions covering a WSI.

3.8 **Hertfordshire Rights of Way** – Most recent consultation response states as follows:

*“The amended plans show the correct routes for the ROW in the area now so here are our updated comments:*

*There are two public footpaths that cross the southern section of the proposed development site, care must be taken during any works to ensure that the safety of the public using the routes is protected. The public rights of way should not be restricted or obstructed in any way during the course of any development. If work requires the routes to be closed, then a Temporary Traffic Regulation Order must be applied for and granted by Hertfordshire County Council before any works can commence.*

*In the Landscape Strategy Plan there is mention of the possibility of diverting Codicote Footpath 007 to go around a SuDS feature if not over a bridge. If the desire is to divert the footpath then a Definitive Map Modification Order application will need to be made to divert the footpath. Please note that diversion applications take a lengthy amount of time to process due to the procedures involved and there is no guarantee of their success”.*

3.9 **Hertfordshire Minerals and Waste** – No objection subject to conditions covering a SWMP.

3.10 **North Herts Housing Supply Officer** – Following negotiations between NHC and the agent, it was considered that the initially proposed affordable housing mix was unacceptable and did not meet our needs. The agent has agreed to provide the following housing mix, which has been proposed by the Housing Supply Officer and deemed acceptable to meet our needs:

*“For the rented element*

*1 bed flats (4) including one to M4(3) wheelchair accessible*

*2 bed houses (3)*

*3 bed bungalow M4(3) wheelchair adapted (1)*

*3 bed houses (2)*

*4+ bed houses. (1)*

*For the intermediate element*

*2 bed flats/ maisonettes (2) \**

*2 bed houses (1)*

*3 bed houses (3)*

*\* Please note the 2 bed flats/ maisonettes must have separate entrances from any rented units”.*

3.11 **Local Lead Flood Authority** – No objections subject to several conditions covering flood risk and drainage.

- 3.12 **Thames Water** – No comment.
- 3.13 **Severn Trent** – None received.
- 3.14 **Affinity Water** – General guidance for construction works and best practice standards.
- 3.15 **Conservation Officer** – *“Looking at this through a purely heritage lens, I conclude that the proposal will not adversely impact upon the setting and consequently will not harm the significance of either The Bury (grade II\*) or the Codicote Conservation Area. The proposal will satisfy the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031 and for these reasons is **UNOBJECTIONABLE**”.*

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

- 4.1.1 The site is located to the northeast of The Close and is approx. 2.43 hectares. It is located on the eastern edge of Codicote, one of the districts larger villages, and is within the defined settlement boundary. The site comprises a single field of rough grassland and scrub lying north of The Close. The southern boundary is enclosed by the rear boundaries of properties on The Close, including an area of flat-roofed garages. The western boundary is enclosed by the rear garden's properties on Grange Rise. The northern boundary comprises a high mature hedge and line of closely planted trees, beyond which is open agricultural land. There is a belt of woodland against the eastern boundary, beyond which lie more agricultural fields.
- 4.1.2 The site increases in gradient from the southeast to the northwest. The vehicular access to the site is via The Close. Two Public Rights of Way cross the southern part of the site (PRoW 007 and 008), and a permissive path crosses the site from The Close to its north-western corner. The site is within Flood Zone 1, but of the south-eastern extent of the site is at low to high risk of surface water flooding. The site is approx. 135m away from the Grade II listed The Bury
- 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 CD3 for approximately 48 dwellings.

##### 4.2 **Proposal**

- 4.2.1 The application seeks outline planning permission for the erection of up to 42 residential dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system and new access arrangements from The Close (all matters reserved except means of access) (as amended by plans and information submitted 8th April 2024 and 13th August 2024).
- 4.2.2 The application has been supported by the following documents:

- Arboricultural Impact Assessment
- Archaeological Desk Based Assessment
- Design and Access Statement
- Ecological Impact Assessment (incl. Biodiversity Net Gain Assessment)
- Flood Risk Assessment and Drainage Strategy
- Heritage Assessment Asset

- Phase 1 Ground Investigation Report Geo-Environmental
- Landscape and Visual Impact Assessment
- Sustainability and Energy Statement
- Transport Statement
- Site Location, Land Use Green/Blue Infrastructure Plan, Access and Movement Parameter Plan, Proposed Access Plans
- Illustrative Masterplan/Framework Plan/Landscape Strategy/Site Sections Plans.

### 4.3 Key Issues

4.3.1 The key issues in the determination of the application are:

- Principle of Development
- Highways/Access/Rights of Way/Parking
- Appearance/Layout/Scale
- Landscaping
- Heritage
- Play Area/Space
- Ecology
- Flood Risk/Drainage
- Affordable Housing/Housing Mix
- Archaeology
- Energy and Sustainability
- Other Matters
- S106 Legal Agreement

#### Preliminary Matters

4.3.2 The application is for outline planning permission with all matters reserved apart from access. Therefore, details relating to design, landscaping, layout, and scale are not submitted for detailed consideration at this point, as these matters would be addressed in a subsequent reserved matters application. However, these reserved matters will be considered in a general sense to advise the subsequent application.

#### Principle of Development

4.3.3 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.

4.3.4 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.

4.3.5 The site is allocated for residential development in the Local Plan under Policies HS1, more generally, and CD3, more specifically, for approximately 48 dwellings and by virtue of this allocation, the site is within the settlement boundary of Codicote, and not within the Green Belt. Codicote is one of the five larger villages in the district where Policy SP2 of the Local Plan sets out that *“Approximately 13% of housing, along with supporting infrastructure and facilities will be delivered within the adjusted settlement boundaries of the following five villages for the levels of development indicated: Codicote (363)”*.

4.3.6 The site-specific criteria for this allocated site set out under Policy CD3, which will be considered in turn within the body of the report, are as follows:

- *Appropriate solution for expansion site of Codicote Primary School to be secured to accommodate additional pupils arising from this site;*
- *Contribution towards expansion of Codicote Primary School;*
- *Transport Assessment to consider the cumulative impacts of sites CD1, CD2, CD3 and CD5 on the village centre and minor roads leading to/from Codicote and secure necessary mitigation or improvement measures;*
- *Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery;*
- *Address existing surface water flood risk issues through SUDs or other appropriate solution;*
- *Sensitive incorporation of Footpaths Codicote 007 and 008 as features within the site providing a connection from the High Street to the wider countryside; and*
- *Heritage impact assessment (including assessment of significance) and sensitive design to ensure appropriate approach to nearby Grade II\* listed The Bury.*

4.3.7 The proposal is for 42 dwellings, which is short of the estimate for 48 dwellings as set out in Policy CD3. 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

4.3.8 Overall, it is considered that the principle of development is acceptable, given the allocation of the application site for residential development within the Local Plan and its location within the settlement boundary of Codicote. Therefore, there is no conflict with Policy SP2 or HS1 of the Local Plan. It is further considered that there is no conflict with the principle of Policy CD3.

#### Highways/Access/Rights of Way/Parking

4.3.9 Policy T1 of the Local Plan states that permission will be granted for development that does not lead to highway safety problems or cause unacceptable highway impacts, where necessary sustainable transport measures and improvements to existing highway networks are secured, where schemes are supported by the necessary supporting transport documents and for major developments, how schemes would be served by public transport, pedestrian routes etc.



4.3.10 Local Plan Policy CD3, sets out the following site-specific requirements relating to highways/access/rights of way:

- *Transport Assessment to consider the cumulative impacts of sites CD1, CD2, CD3 and CD5 on the village centre and minor roads leading to/from Codicote and secure necessary mitigation or improvement measures;*
- *Sensitive incorporation of Footpaths Codicote 007 and 008 as features within the site providing a connection from the High Street to the wider countryside;*

4.3.11 The application is supported by a Transport Statement which addresses the key highway and access related matters pursuant to this application. The Transport Statement has considered the likely trip generation of the application proposal both alone and cumulatively with sites CD1, CD2 and CD5. The site is currently accessed of The Close and this access would be enhanced with a vehicular and pedestrian access to serve the development. The Transport Statement concludes that there are several Public Rights of Way (PRoW) located within vicinity of the site. Within the site, PRoW Codicote 007 is a footpath which starts at The Close and extends along the southern boundary of the site and then north along the eastern boundary before splitting into two PRoWs to form Codicote 007 and 008. There are reasonable walking and cycling distances to key local facilities, including: schools, health services, shops etc. The nearest bus stops are located on High Street some 350 and 400m from the proposed access and as such, the proposed development has adequate access to bus services. The statement acknowledged that there are two parking laybys provided on The Close for residents to use for parallel parking. At the time of submission, it was stated that there will be no loss of on street parking as a result of this development when residents park as per the expectations of the existing highway layout. A review of the collision data shows there has been zero incidents reported along Valley Road, within vicinity of The Close. The reported collision data shows that there is no collision problem on the surrounding highway infrastructure. As such, the Transport Statement concludes that the proposed development would not result in conditions detrimental to highway safety.

4.3.12 Following consultation with the Highway Authority, in their initial comments from January 2024, they considered that the proposal is not expected to have any significant/detrimental impact on the operation of the local highway network. The Highway Authority acknowledges that a cumulative impact assessment of sites CD1, CD2, CD3 and CD5 has been undertaken in the Transport Statement, where the proposed development is predicted to generate 33 new vehicle trips in the morning peak period and 28 new trips in the evening peak period. Three of the four allocated housing sites, i.e. all excluding this application, have already been approved and undertaken cumulative impact assessments. These found that in combination there were no significant adverse impacts as a result of the allocations. The number of trips generated by the application proposal is considered modest and insofar as there have been no significant changes in circumstances since these applications were approved, hence, a further assessment of cumulative impact using the same data is not considered necessary. The Highway Authority are therefore satisfied with the cumulative assessment that has been undertaken. This directly addresses the site-specific policy criteria in this respect, and it is therefore considered that the development has *“considered the cumulative impacts of sites CD1, CD2, CD3 and CD5 on the village centre and minor roads leading to/from Codicote and secure necessary mitigation or improvement measures;”*

- 4.3.13 The Highway Authority did however raise some concerns with the proposal, primarily relating to accessibility in the submitted assessments following a walking audit, the lack of detail in relation to the introduction of pedestrian crossing points, the lack of a footway on the eastern side of The Close, and gradient concerns given the slope of the site. The Applicant has sought to address these concerns in the form of additional submissions and technical notes, with the majority of matters including the revised access arrangements and pedestrian crossing point considered by the Highway Authority as acknowledged/addressed in their second comments, which is acceptable. However, the Applicant disputed the view and request of the Highway Officer that there was a need to introduce a pedestrian footway on the eastern side of The Close as there is an existing footway on the western side of The Close with a suitable crossing point proposed, which would need to be facilitated by the removal of an existing informal lay-by parking area used by existing residents. The Highway Officer stated in their second comments as follows: *“The HA has previously advised with detailed justification, that the applicant is required to provide a footway on the eastern side of The Close. The existing dwellings have their required car parking provisions in accordance with the car parking standard within their site-specific development boundaries. The public highway is not there to cater for developments car parking demand”*. On this basis, the Highway Authority maintained an objection to the proposal in their second formal comments in May 2024.
- 4.3.14 In response, the Applicant sought to address the concern of the Highway Officer by submitting amended plans which showed the introduction of a pedestrian footway on the eastern side of The Close in place of the existing lay-by parking area and a suitable crossing to Valley Road (plan 898-TA13 Rev A). Following formal consultation with the Highway Authority, in their third and final comments received September 2024, no objections were raised subject to conditions relating to detailed technical plans and a CTMP to be submitted prior to commencement, which are deemed reasonable. As such, it is considered that the Applicant has satisfactorily addressed the technical matters and concerns raised by the Highway Authority, such that the development will be served by a suitably designed vehicular/pedestrian access, with acceptable associated measures including a new footway on the eastern side of The Close/crossing to Valley Road and will not lead to highway safety problems or cause unacceptable highway impacts. Notwithstanding the above, whilst Officers are unconvinced of the necessity of a pedestrian footway on the eastern side of The Close, given the existence of the footway on the western side of the highway, the provision of an appropriate crossing from the development to this western side, and the inevitable loss of the parking bays used by existing local residents, the views of the Highway Authority are not considered unreasonable.
- 4.3.15 In terms of the Public Rights of Way (PRoW) through the site, PRoW Codicote 007 is a footpath which starts at The Close and extends along the southern boundary of the site and then heads north along the eastern boundary before splitting into two PRoWs to form Codicote 007 and 008. According to the submitted PRoW Technical Note, the proposed SUDs infiltration basin is located on the official route of PRoW 007 and there are two options available to accommodate this, which can be fully considered directly with the County Councils Right of Way Team and finalised at the reserved matter stage. The first option is to divert the footway around the infiltration basin, which is considered to broadly follow the unofficial route taken by the public currently. Should this diversion not be approved by the County Council, then the second option would seek to accommodate the official RoW route across the basin via a bridge, with details to be secured at reserved matters stage. The County Councils Right of Way Team has formally responded to this application and advised on the formal process to apply for a diversion and best practise guidance for keeping RoWs clear during the build phase.

In any case, these matters are outside the scope of this Council's planning role, but they appear to be reasonable options, such that it is considered that the proposal has achieved the Policy CD3 requirement of "*Sensitive incorporation of Footpaths Codicote 007 and 008 as features within the site providing a connection from the High Street to the wider countryside;*".

- 4.3.16 Policy T2 of the Local Plan and The Councils Vehicle Parking at New Development SPD sets out the requirements for parking standards for occupiers, visitors, garages etc. The Illustrative Masterplan makes provision for resident and visitor car parking in line with the standards set out in the SPD, but the exact number and location of spaces will be dependent on the final details at the reserved matters stage.

#### Appearance/Layout/Scale

- 4.3.17 Policy D1 of the Local Plan states that planning permission will be granted provided the 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.
- 4.3.18 The submitted Design and Access Statement and Illustrative Master Plans provides an indication of how the site could be delivered in terms of the layout, appearance and scale of dwellings and the wider site. However, as already stated the application is submitted in outline only and seeks permission at this stage for access only, which leaves the consideration of appearance, layout, and scale of the development for a later date under reserved matters. In any case, it is considered reasonable to provide a basic assessment in this regard.
- 4.3.19 The indicative master plan is stated to have been influenced by the site's edge-of-settlement location and the need for a sensitive urban to rural transition as well as the need to respect existing site constraints, namely the site's sloping topography, existing trees and hedgerows, views in and out of the site, existing habitats and the amenities of neighbouring properties. The proposed dwellings would be located in the western two thirds of the site, with an open space area and SUDs feature on the eastern part. The housing would comprise a series of development parcels focussed on the internal spine road. Built form would be structured around a perimeter block approach to create an outward facing development. The dwellings would be no more than two-storey in height and provide bungalows in the south-western corner due to the relationship with the immediate neighbouring properties.
- 4.3.20 It is considered that the submitted indicative masterplan showing the proposed layout of the site is reasonable, taking into account local context and the site constraints. Officers consider that, prior to and during any subsequent reserved matter stage, careful consideration must be given to the relationship between the proposed new dwellings and the immediate neighbours to the west and south boundaries of the site, to ensure that any development here does not result in unacceptable harm to neighbouring amenity. Officers acknowledge the provision of bungalows in the south-western corner which goes some way to mitigating possible adverse amenity impacts.

## Landscaping

- 4.3.21 Policy NE1 of the adopted Local Plan advises that proposals would be granted so long as they do not cause unacceptable harm to the character and appearance of the surrounding area taking account of any suitable mitigation measures necessary to achieve this, are designed and located to ensure the health and future retention of important landscape features and have considered the long-term management and maintenance of any existing and proposed landscaping.
- 4.3.22 Landscaping details are also a reserved matter at this stage, but the illustrative masterplan does show the broad extent of hard and soft landscaping across the site, including the provision of roads, footways and parking spaces and the provision of private gardens for all dwellings, larger pockets of publicly accessible open space to the south-east and north of the site, and retained/enhanced trees and landscape buffers on the boundaries. A landscape strategy/plan has been submitted with this proposal which has been formed through a number of design principles as set out in the supporting Planning Statement. The landscaping shown in the indicative details, in terms of the planting of trees along the sides of the access road and around the areas of open space shows that a good level of tree planting could be achieved. Further consideration of perimeter screening planting should be considered in future landscaping reserved matters applications where that planting would benefit the amenity of the occupiers of future and that of adjoining premises, particularly on the western and southern boundaries.
- 4.3.23 A Landscape and Visual Impact Assessment (LVIA) has been submitted which has informed the evolution of the proposed scheme, concluding that the development would not result in the loss of any important landscape features and would not introduce a land use which is uncharacteristic in this localised landscape setting. The plans do indicate that the scheme would deliver a 12.0m landscape buffer and seeks to retain/integrate a Category A Oak Tree on the site, which is encouraged. Overall, the indicative proposed landscaping strategy appears to be reasonable and well informed and should evolve as required up until the reserved matters stage.

## Heritage

- 4.3.24 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.
- 4.3.25 The site is not within the Conservation Area but is within relatively close proximity to the Grade II listed The Bury, which is due north, and an assessment of this relationship is required under Policy CD3. The application has been supported by a Heritage Impact Assessment which considers the impact of the proposal on The Bury. The assessment explains that the site does not contribute to the significance of The Bury or any other heritage asset, and neither does it have any significant contribution as part of its physical setting. The assessment considers that the important element of The Bury’s setting is its enclosed and generally well-screened grounds, its wider setting having been transformed by late 20th-century residential development.

There is also a high degree of woodland screening of The Bury in views across the near landscape from the east which prevent views in which both the site and listed building are experienced together. As such, the development of the site as proposed would have no effect, either positive or negative, on the significance of The Bury or any other heritage asset, either directly or on any significant aspect of its wider physical setting.

- 4.3.26 The Council's Conservation Officer has formally responded to this application, agreeing with the conclusions of the Heritage Impact Assessment that the development would not result in any harm to the setting or significance of the Grade II listed The Bury, which addresses the relevant matter of Policy CD3 in this regard which is *Heritage impact assessment (including assessment of significance) and sensitive design to ensure appropriate approach to nearby Grade II\* listed The Bury*, and the requirements of Policy HE1 and Section 16 of the NPPF.

#### Play Area/Space

- 4.3.27 The submitted indicative masterplan/landscape strategy and supporting Planning Statement sets out that the proposal has been designed to incorporate a Local Area of Play (LAP). However, under the Fields in Trust Guidance Document (Nov 2020), it sets out that residential developments of 1-200 dwellings should be providing a Locally Equipped Area of Plan (LEAP) as well as a LAP on site.

- 4.3.28 Following discussions with the agent, they have considered the Fields in Trust guidance and have concluded that they would not be able to provide a LEAP on site due to space constraints and as a result, the Council have sought to resolve this conflict with the Fields in Trust standards by other means. Following consultation with the Parish Council and Applicant, it was understood that an existing nearby LEAP on Valley Road had been surveyed recently by the Parish Council and needed repair/maintenance works. The applicants formally confirmed that they would be happy with providing an off-site contribution to repair/maintain this existing play area, in lieu of providing an on-site LEAP. The applicants have submitted a contractor's quote by Countryside Grounds for works in line with the schedule of repair/maintenance works in the Parish Councils assessment of the play area, totalling to £4,270 which has been considered internally by Officers in the Open Space Maintenance Team to be acceptable/reasonable. As such, this off-site payment forms part of the agreed heads of terms and be secured through the s106 legal agreement, to ensure that the impact of not providing a LEAP on site is appropriately mitigated by improving an existing LEAP within close proximity to the site that future residents are very likely to use. This is considered to be reasonable and appropriate.

#### Ecology

- 4.3.29 The County Council's Ecology Department (Herts Ecology) have formally responded to this application on two occasions in February and October 2024. Within the first response, no objections were raised subject to conditions, relating to a CEMP, lighting strategy and Biodiversity Gain Plan, where an overall BNG of 56.87% for habitat units and 83.83% for hedgerow units was to be delivered. This application was submitted prior to the mandatory 10% BNG being introduced on the 12<sup>th</sup> February 2024, such that this does not apply to this application, even though the proposal is acknowledged to deliver considerable net gains in biodiversity. The suggested conditions relating to ecology would control the delivery of BNG, which is a planning benefit.

- 4.3.30 Following a change to the proposed slow worm translocation site, which was out of the applicant's control, from an arable field nearby to Panshanger Park in Welwyn Garden City, and the subsequent amendments to the BNG metric to deliver an overall BNG of 0.20% for habitat units and 83.83% for hedgerow units.

Herts Ecology formally responded again with no objections subject to further conditions, now also including a BEMP. Following clarification with Herts Ecology, they have confirmed that as part of the proposed Biodiversity Gain Plan condition the applicants will need to detail the habitat management plan for the proposed translocation site for slow worms in order to ensure the suitability of the receptor site for this protected species. As such, subject to the recommended conditions, it is considered that the development will deliver measurable gains in biodiversity, in line with Policy NE4 of the Local Plan.

- 4.3.31 Whilst the Council acknowledges the concerns of interested parties in relation to the removal of vegetation on the site already, the ecological appraisals consider that the site comprised species-poor rank grassland with low ecological value.

#### Flood Risk/Drainage

- 4.3.32 The applicant has provided Flood Risk Assessment (FRA), Drainage Strategy, a Flood Risk Addendum and outline design plans to account for the local flood risk issues and surface water drainage at this location. The LLFA have formally responded to this application and following a review of the submitted documents, they consider that the details are in accordance with NPPF and Policies NE8, NE9 and SP12 of the Local Plan, subject to eight conditions covering the submission of more detailed plans for surface water drainage, SUDs phasing plan, temporary drainage measures, construction phase surface water management plan, maintenance/management of SUDs, verification of construction details, compliance with FRA measures and a flood emergency plan. Overall, on the basis of the submitted information and subject to the proposed conditions, it is considered that the development has a “*Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery; and has sought to Address existing surface water flood risk issues through SUDs or other appropriate solution;*” in line with the requirements of Policy CD3.

#### Affordable Housing/Housing Mix

- 4.3.33 Policy HS2 of the Local Plan sets out that on housing sites of 25 dwellings or more, there should be a 40% provision of affordable housing subject to viability. The expectation is for a 65%/35% split between affordable rented tenure and other forms affordable housing. The affordable housing provision should meet the needs of the area.
- 4.3.34 Policy HS3 of the Local Plan sets out that an appropriate range of house types and sizes to be provided having regard to the overall targets of the plan, the findings of the most up-to-date Strategic Housing Market Assessment (SHMA), the location and accessibility of the site and the appropriateness of the development to its surroundings in terms of density, scale and character. The expectation is that it is most appropriate to have a broad balance between smaller (2-bedroom or less) and larger (3-bedroom or more) homes.
- 4.3.35 The submitted Planning Statement and illustrative masterplans state that in accordance with Policy HS2, up to 17 of the proposed dwellings would be affordable which amounts to 40% of the total number of dwellings. Out of these 17 affordable dwellings, 11 are proposed to be affordable rent and 6 are for other forms of affordable housing, namely intermediate tenure. Further negotiations between the Housing Supply Officer and the Agent during the course of the application have resulted in agreement to an appropriate mix of affordable housing that meets the Councils needs and are considered acceptable at this outline stage, which is set out below and forms part of the agreed Heads of Terms:

For the rented element (11 total)

- 1 bed flats (4) including one to M4(3) wheelchair accessible
- 2 bed houses (3)
- 3 bed bungalow M4(3) wheelchair adapted (1)
- 3 bed houses (2)
- 4+ bed houses. (1)

For the intermediate element (6 total)

- 2 bed flats/ maisonettes (2) \*
- 2 bed houses (1)
- 3 bed houses (3)

4.3.36 In terms of the proposed housing mix, the illustrative Sketch Layout shows a scheme comprising 4 x 1 bed apartments, 2 x 2 bed apartments, 4 x 2 bed maisonettes, 7 x 2 bed homes, 18 x 3 bed houses and 7 x 4 bed houses. However, the exact mix of dwellings would be agreed with the at reserved matters stage. This illustrative provision equates to 60% larger (3+bedroom) dwellings and 40% smaller (1 or 2 bedroom) dwellings, which is encouraged as an appropriate mix for the reserved matter stage and considered to largely accord with Policy HS3.

#### Archaeology

4.3.37 Policy HE4 of the Local Plan requires suitable consideration of proposals affecting heritage assets of archaeological interest.

4.3.38 An Archaeological Desk Based Assessment was submitted with this application, which concluded that there are no known heritage assets on the site, nor in a position to be affected by the proposed development other than the nearby listed 'The Bury'. The document advised that the general area is one of moderate to high archaeological potential but significant archaeological finds in the more immediate vicinity seem sparse and limited to chance finds. The County Councils LEADS Team were consulted on this matter and responded with no objections subject to conditions covering a Written Scheme of Investigation and conducting development in accordance with the agreed details, which is considered reasonable and acceptable in line with Policy HE4.

#### Energy and Sustainability

4.3.39 The Council passed a Climate Emergency motion in 2019 which pledged to do everything within the Council's power to achieve zero carbon emissions in North Hertfordshire by 2040. The Council has adopted a Climate Change Strategy to promote carbon neutral policies. Adopted Policy DE1 – Sustainable Design – requires developments to consider a number of criteria including the need to reduce energy consumption and waste. In relation to residential development this will typically include features such as - low carbon technologies such as air or ground source heat pumps, solar or PV panels, Sustainable Drainage Systems (SuDS) and exceeding Building Control standards on thermal insulation.

4.3.40 Given the outline nature of the application, detailed carbon reduction measures are not yet known. However, a detailed Energy Statement will need to be provided once the site design is formalised, and this should set out a broader range of sustainable building methods and technologies around energy and water uses.

However, the Planning Statement does set out that the Applicant is committed to maximising the sustainability of the site by meeting or improving upon mandated sustainability targets through various measures and means.

- 4.3.41 One of the fundamental matters to consider in all applications for planning permission is whether the proposed development would represent a sustainable form of development. The NPPF confirms that all three objectives of the planning system would be met. These are economic, social, and environmental.
- 4.3.42 In terms of the economic objective, the development would provide homes that would support economic growth and productivity. The construction of the development and on-going maintenance of it would result in construction jobs and employment in the service sector. The fitting out and furnishing of the homes would also generate economic activity and jobs. Future occupiers would purchase local goods and services, boosting the local economy and helping to sustain the vitality and viability of local shops and services.
- 4.3.43 In terms of the social element, the scheme would deliver a high-quality and inclusive residential development. The development would be well connected to the existing community and by public transport and existing public footpaths to the High Street. Moreover, financial contributions towards the Parish Councils Pavilion and Scout Hut projects, and for improvements and repairs to the Peace Memorial Hall, which supports the wider community have been agreed in the Heads of Terms. Overall, the development would provide access to the social, recreational, and cultural facilities and services that the community needs. The proposal would achieve a well-designed sense of place and make effective use of land.
- 4.3.44 In terms of the environmental objective, the proposed development would likely deliver a net gain in biodiversity on site. The site is not isolated in terms of transport with the site accessible by public transport and local services can be reached on foot and by cycling. Further environmental matters will be considered during the reserved matters stage.
- 4.3.45 In conclusion, it is considered that the proposal would be a sustainable form of development and would comply with national and local planning policy and guidance.

#### Other Matters

- 4.3.46 It is necessary to consider and address the formal representations received from interested parties which are summarised at the start of this report. As such, the summary of concerns will be listed below with the Councils response in full:
- *The village does not have the necessary infrastructure to accommodate more housing and traffic (schools, GPs, dentists, shops and pubs etc).* The site is allocated for residential development in the Local Plan and part of the agreed Heads of Terms includes the provision of contributions towards the necessary infrastructure.
  - *The houses already being built in Codicote are not selling.* This is not a material planning consideration.
  - *Parking is already an issue on the High Street, this would make matters worse.* The Highway Authority have no objections to the cumulative impact assessment in the Transport Statement which projects tip generation.
  - *The site is on Green Belt land.* The site was taken out of the Green Belt to become an allocated housing site following the adoption of the North Herts Local Plan.
  - *The affordable housing provisions are not actually affordable.* The affordable housing provision is policy compliant and meets the needs of the district.



- *The scheme seeks to move established public footpaths.* This is a matter to be confirmed outside of planning with the County Council.
- *The proposal would make the existing electricity outages worse.* It will be the responsibility of the electricity supplier to ensure that the electricity supply is not adversely affected by this proposal.
- *Sewers have been known to overflow; the scheme would enhance this issue.* The proposal is relatively modest in scale and it will be the responsibility of the sewage provider to address any existing issues and to make provision for this proposal.
- *Access and parking for construction traffic will be a problem at this site and surrounding roads, including the congested High Street.* A Construction Management Plan will be conditioned on any decision which will consider the suitable arrival and parking of construction related vehicles in association with the Highway Authority.
- *The construction of this site will have noise/nuisance impacts that will disrupt residents.* Whilst this is acknowledged, construction impacts are inherently temporary, and this is a matter that will be addressed by the Construction Management Plan.
- *The scheme will devalue nearby dwellings as there will no longer be an adjacent open space.* This is not a material planning consideration.
- *More crime and noise will occur in the neighbourhood.* There is no evidence to suggest that the proposed residential development would have a material impact upon levels of crime or the noise environment in this residential area.
- *The existing flood risk will be increased.* This has been addressed by the applicant in their submission and considered acceptable by the LLFA.
- *The wildlife on the site will be impacted by the development, including protected slow worms.* This has been addressed by the applicant in their submission and considered acceptable by Herts Ecology. The proposal would deliver net gains in Biodiversity.
- *Privacy for adjacent properties will be lost by the development.* This is a material consideration that will be addressed during the subsequent Reserved Matter stage.
- *The existing trees and vegetation on the site have been removed by the owner.* This has been addressed in the Officer report.
- *Lots of residents/dog walkers use this site at present.* This is not a material planning consideration. The site is private land.
- *Applications have been refused at this site in the past due to several reasons.* There is no planning history at this site.
- *The development would be facilitated by the introduction of a footpath on the east side of The Close, which will see the existing informal parking area for residents lost with not alternative area.* This has been addressed in the Officer report.
- *The proposed access is inadequate for the development of this scale.* The Highway Authority have considered the access proposal and deem it acceptable, subject to conditions.
- *The scheme should incorporate swift bricks on all dwellings.* Officers consider this reasonable and will recommend a condition to that effect.

#### S106 Legal Agreement

4.3.47 In considering Planning Obligations relating to this proposed development, the Community Infrastructure Regulations and Paragraph 57 of the Framework set out statutory and policy tests. These are: (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.

4.3.48 Detailed negotiations have taken place with the applicant and agreement reached on a range of matters that are included in agreed S106 heads of terms. These include the provision of affordable housing, financial contributions towards the local community/Parish Council projects such as the Pavilion and Scout Hut, financial contributions towards Peace Memorial Hall and financial contributions towards education, sustainable transport/highway facilities and other services provided by the County Council. All of the S106 obligations are listed in the table below -

<b>HCC:</b>	Requested contribution, ref. to index linking and date received:	Amendment / change and date:	Policy ref. / notes:
Primary education	£543,690 towards the expansion of Codicote C of E Primary School and/or provision serving the development (index linked to BCIS 1Q2022)		Policy SP7  Developer Contributions SPD
Secondary education	£490,609 towards the expansion of Monks Wood Secondary School and/or provision serving the development (index linked to BCIS 1Q2022)		Policy SP7  Developer Contributions SPD
Childcare services	£33,484 towards increasing the capacity of 0–2-year-old childcare facilities at Codicote Pre School and/or provision serving the development index linked to BCIS 1Q2022)  £513 towards increasing the capacity of 5–11-year-old childcare facilities at Codicote Primary School and/or provision serving the development (index linked to BCIS 1Q2022)		Policy SP7  Developer Contributions SPD
SEND	£54,460 towards 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	£9,555 towards increasing the capacity of Welwyn village library and/or provision serving the development (index linked to BCIS 1Q2022)		Policy SP7  Developer Contributions SPD
Youth	£12,713 towards the delivery of a new centre at Stevenage and/or provision serving the development (index linked to BCIS 1Q2022)		Policy SP7  Developer Contributions SPD
Waste services	£4,239 towards the new provision at Welwyn Garden City and/or provision serving the development (index linked to BCIS 1Q2022)  £7,212 towards the new provision at Northern Transfer Station and/or provision serving the development (index linked to BCIS 3Q2022)		Policy SP7  Developer Contributions SPD

Highways	£286,692 towards Sustainable Transport and New Infrastructure in accordance with the County Councils Toolkit 2021.  (£75,950 index linked to BCIS 1Q2022 of this sum to go towards the expansion of bus service through Codicote – to improve the 44/45 and 314/315 bus routes or other such services that route through Codicote (15.19% of £500,000 already secured through the 3 other Codicote allocated housing sites))		Policy SP7  Developer Contributions SPD
Fire and Rescue	£15,985 towards the expansion at Welwyn Garden City fire station and/or provision serving the development (index linked to BCIS 1Q2022)		Policy SP7  Developer Contributions SPD
Monitoring fee	£340 adjusted for inflation against RPI July 2021.		Policy SP7  Developer Contributions SPD
<b>NHDC:</b>			
Waste and recycling bins	£75 per dwelling		
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	17 dwellings – 11 rented and 6 intermediate housing tenure.  For the rented element: 1 bed flats (4) including one to M4(3) wheelchair accessible 2 bed houses (3) 3 bed bungalow M4(3) wheelchair adapted (1) 3 bed houses (2) 4+ bed houses. (1)  For the intermediate element 2 bed flats/ maisonettes (2) * 2 bed houses (1) 3 bed houses (3)		Policy HS2 Affordable Housing  Policy HS5 Accessible and Adaptable Housing

	* The 2 bed intermediate flats/maisonettes must have their own separate entrances  .....unless otherwise agreed in writing by the council		
BNG ecology /	N/A		
Monitoring fee	<i>The Council will seek 2.5% of the value of the contributions being monitoring with a 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>		
<b>Other:</b>			
NHS	N/A		
Parish Council	£112,583.91 for the Scout Hut Project  £25,233.21 for the Pavilion Project  Figures have been derived from total cost of each project divided by the four allocated sites in Codicote, index linked.  £4,270 towards the repair and refurbishment of the Valley Road Play Area, in lieu of providing a LEAP on site.		Policy SP7  Developer Contributions SPD
Peace Memorial Hall	£50,000 for works to the Peace Memorial Hall		Policy SP7  Developer Contributions SPD

4.3.49 Whilst the Council acknowledged that all of the aforementioned contributions will go a significant way to mitigating the impacts of the proposed development, the £543,690 towards the expansion of Codicote C of E Primary School and/or provision serving the development directly relates to the requirements of Policy CD3, which states that; *Appropriate solution for expansion site of Codicote Primary School to be secured to accommodate additional pupils arising from this site; and Contribution towards expansion of Codicote Primary School.* The Council consider that this matter is addressed by this agreed contribution.

4.3.50 In respect of the Parish Council contributions, it was agreed the four allocated sites in Codicote would provide a contribution to the Scout Hut and Pavilion projects proportionate to the percentage of new housing being delivered. CD5 secured 44.5%, CD1 secured 23.17% and CD2 secured 17.14%, leaving the application site CD3 to secure 15.19%. As such, the agreed contributions of £112,583.91 for the Scout Hut Project and £25,233.21 for the Pavilion Project have been calculated accordingly and have been index linked. The Council consider that these contributions are reasonable and CIL compliant.

4.3.51 Furthermore, the Council are aware that in a similar way to the Parish Council's Scout Hut and Pavilion projects, which have pooled money together from the four allocated housing sites based on the number of dwellings proposed in order to pay for those projects, that the other three allocated sites have secured contributions in the s106 towards the expansion and improvement of the local bus service. As such, it is considered reasonable and justified to allocate a portion of the requested contributions from the Highway Authority for sustainable transport to this expansion of the bus service, which costs £500,000 in total with this site securing the remaining 15.19% of £500,000 = £75,950 (figure to be index linked). Following internal consultation with the Highway Authority, they have confirmed that this is reasonable and is acceptable in principle.

4.3.52 Lastly, the Peace Memorial Hall submitted a contributions request for this development covering a range of works totalling £450,000. The Council and indeed the Applicant considered this full request and deemed that that the full amount was not CIL compliant and was unreasonable or not fully justified. There were also a fair amount of proposed works that the Council would consider to be maintenance works, which cannot be secured through a s106. However, the Council considered that part of the proposed works and equivalent contributions would be CIL compliant, such that they are directly related to the development, fairly and reasonably in scale and kind, and necessary to make the proposed development acceptable as future occupiers of these dwellings may increase the use of this building. These proposed works which total £50,000 have been agreed by the applicant and form part of the agreed Heads of Terms, are set out below:

- New fire doors - Recent survey stated these are end of life and require replacement - £10K
- New windows in man hall - Recent survey stated these are end of life and require replacement - £5K
- Disabled access / Disabled toilet / Storage - Identified in a recent survey as an item requiring attention. Re-designing existing spaces to facilitate disabled access by improved use of current space. Potential for side access, relocation of disabled toilet and general redesign of overall space - £20K
- Painting and decorating - Improved look and feel of the hall to extend appeal and usage - £10K
- Audio Visual facilities - To extend the usability of the hall - £5K

4.3.53 Following 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.

#### 4.4 Overall Planning Balance and Conclusion

4.4.1 The site is allocated for residential development in the adopted North Herts Local Plan under Policy CD3. The site is within the settlement boundary of Codicote, one of the district's five larger villages, within which 13% of new housing will be delivered. 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.

- 4.4.2 Policy CD3 sets out the site-specific criteria for acceptable development on this site. Whilst the site estimation is 48 homes, the proposal is for 42 which is considered acceptable. The proposal would, through the agreed developer contributions as set out in the Heads of Terms, contribute financially to the expansion of Codicote C of E Primary School and/or provision serving the development, in line with the first and second criteria of Policy CD3. The application has been supported by a Transport Statement and the Highway Authority have acknowledged that a cumulative impact assessment of sites CD1, CD2, CD3 and CD5 had been undertaken, concluding that they are satisfied with the projections and associated impacts, in line with the third criteria of Policy CD3. The application is supported by a Flood Risk Assessment (FRA), Drainage Strategy, a Flood Risk Addendum and outline design plans to account for the local flood risk issues and surface water drainage at this location. The LLFA have formally responded to this application and following a review of the submitted documents, they consider that the details are acceptable subject to conditions, which is in accordance with the fourth and fifth criteria of Policy CD3. The applicants have submitted two possible options to deal with the Footpaths 007 and 008 and the County Councils Right of Way Team has formally responded to this application, advising on the formal process to apply for a diversion and best practise guidance for keeping RoWs clear during the build phase. In any case, these matters are outside the scope of the consideration of this planning application, but they appear to be reasonable options in line with the County's RoW Team, such that it is considered that the proposal is in accordance with the sixth Policy CD3 criteria. Lastly, the Council's Conservation Officer has formally responded to this application, agreeing with the conclusions of the submitted Heritage Impact Assessment that the development would not result in any harm to the setting or significance of the Grade II listed The Bury, which addresses the relevant seventh of Policy CD3. Therefore, it is considered that the proposal is compliant with the site-specific criteria set out in Policy CD3 of the Local Plan, which is deemed to warrant significant weight.
- 4.4.3 This application is outline with all matters reserved apart from access. Following consultation with the Highway Authority, it is considered that the Applicant has satisfactorily addressed the technical matters and concerns raised by the Highway Authority in their formal responses, such that the development will be served by a suitably designed vehicular/pedestrian access, with acceptable associated measures including a new footway on the eastern side of The Close and a pedestrian crossing to Valley Road and will not lead to highway safety problems or cause unacceptable highway impacts.
- 4.4.4 Overall, the proposed development is considered acceptable in principle and has suitably addressed the remaining material planning considerations including play area/space, ecology, affordable housing/housing mix, archaeology, and energy/sustainability at this stage. The applicants have agreed to the proposed Heads of Terms which include significant contributions to mitigate the impact of the development.
- 4.4.5 The application is therefore recommended to the Planning Committee with a resolution to grant, subject to the below matters.

#### **4.5 Alternative Options**

- 4.5.1 N/A

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

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

## 5.0 Recommendation

5.1 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 agreement to an extension of time to the statutory determination date to allow time for (A) to occur; and
- C) the conditions and informatives set out below:

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

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

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

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 2015 as amended.

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

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

4. No development shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access and associated highway works (including off Valley Road) concerning the connectivity of the access road with The Close, as shown in drawing no.'s 898-TA13 rev A dated 06.08.24 and 898-TA05 rev B. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed prior to the first occupation/use of the development.

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

5. 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 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).

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 and how visibility splays will be maintained.
  - management of traffic to reduce congestion.
  - control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
  - the provision for addressing any abnormal wear and tear to the highway.
  - waste management proposals.
  - Provision of sufficient on-site parking prior to commencement of construction activities;
  - Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding and remaining road width for vehicle movements.

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

7. No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted Geo-Environmental Services Ltd report dated 11 November 2022 (Ref: GE21276/DSR/NOV22), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing detail of how the remediation works shall be judged to be complete and arrangements for contingency action.

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

8. 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.

9. Prior to occupation, all proposed 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.

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

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as required by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

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

Reason: to provide full consideration for the likely archaeological implications of this development, in line with Policy HE4 of the Local Plan.

11. No development shall take place until a Construction Environmental Management Plan (CEMP) for biodiversity 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. 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). This must include:
  - I. Best practice measures to ensure the protection of retained vegetation during construction;
  - II. Best practice measures to ensure any invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 encountered within the site will be removed and disposed of as controlled waste;

III. A precautionary working method for hedgehogs.

- c. The location and timings of sensitive works to avoid harm to nesting birds.
- d. Details of a translocation programme for slow-worms.

The CEMP should include a statement to the effect that if any protected species are encountered during any stage of the development, then works must cease immediately and advice be sought from a suitably qualified ecologist on how best to proceed.

Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sensible working practices which protect ecology on and adjacent to this site, in accordance with Policy NE4: Biodiversity and Geological Sites.

12. No external lighting shall be installed until a wildlife-sensitive lighting scheme and biodiversity lighting statement to ensure that foraging and commuting bats - and other nocturnal wildlife - are not disturbed by the proposal has been submitted to and approved in writing by the LPA. The lighting strategy must follow the recommendations under Paragraphs 7.4.2 and 7.4.3 of the Ecological Impact Assessment by Blackstone Ecology Ltd. (TL 22006 18301 December 2023). Thereafter the lighting shall be delivered and maintained in accordance with the approved lighting scheme in perpetuity.

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

13. Prior to the commencement of the development, a Biodiversity Enhancement and Management Plan (BEMP) shall have been submitted to and approved in writing by the local planning authority, and the plan shall include:
- i. description, evaluation and location of the ecological features and biodiversity enhancement measures to be created and managed;
  - ii. ecological trends and constraints on site that might influence management;
  - iii. aims and objectives of biodiversity enhancements and their management including for protected species;
  - iv. appropriate management options for achieving the aims and objectives of the project;
  - v. prescriptions for management actions;
  - vi. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - vii. details of the body or organisation responsible for implementation of the plan;
  - viii. on-going monitoring and remedial measures; and
  - ix. details of the legal and funding mechanism by which the long-term implementation of the plan will be secured.

The development shall be implemented in accordance with the approved BEMP.'

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

14. No development shall take place (including ground works and vegetation clearance) until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:

- a. A Description and evaluation of the 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 (for example but not limited to native tree, hedgerow and copse planting, wildflower areas; enhancements such as bat, bird (including swift terraces on new buildings) and insect boxes, hedgehog homes and highways through fencing, log piles for reptiles and invertebrates).
- e. Prescriptions for management options.
- f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a minimum five-year period).
- g. Management responsibilities.
- h. Ongoing monitoring and remedial measures.

These works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the ecological impacts of the biodiversity present are properly addressed on this site and to demonstrate enhancements for biodiversity can be delivered from the development.

15. 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).

16. Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted FRA and or Drainage Strategy (Flood Risk Assessment and Revision E: December 2023 Report Reference: 898-FRA-01-E) detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
  1. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration features.
  2. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).
  3. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
    - a. 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.

- b. 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume, and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
- 4. The design of the infiltration basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.
- 5. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
- 6. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- 7. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 173,175 and 180 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

- 17. Prior to or in conjunction with the submission of each Reserved Matters application a detailed Site SuDS Phase plan which aligns with the site phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This SuDS Phasing plan shall ensure that each phase does not exceed the agreed discharge rates for that phase and that source control measures are installed within each phase to adequately address the phases own surface water runoff. The plan shall ensure that each SuDS component is adequately protected throughout the development of the scheme. The plan shall show all exceedance routes throughout the site clearance and construction of the scheme ensuring flood risk is not increased elsewhere or to the site itself and that the site remains safe for all exceedance event flow routes for the lifetime of the development during rainfall (i.e. greater than design events or during blockage) and how property on and off site will be protected.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Council : Policy NE8: Sustainable drainage systems (Reducing Flood Risk), Policy NE9: Water quality and environment, Policy SP12: Green infrastructure, biodiversity and landscape

- 18. 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

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

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

20. 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:

1. a timetable for its implementation.
2. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
3. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Council.: Policy NE8: Sustainable drainage systems (Reducing Flood Risk), Policy NE9: Water quality and environment, Policy SP12: Green infrastructure, biodiversity and landscape.

21. Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of as built drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Council.: Policy NE8: Sustainable drainage systems (Reducing Flood Risk), Policy NE9: Water quality and environment, Policy SP12: Green infrastructure, biodiversity and landscape.

22. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated December 2023), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any design flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Council Policy NE8: Sustainable drainage systems (Reducing Flood Risk), Policy NE9: Water quality and environment, Policy SP12: Green infrastructure, biodiversity, and landscape.

23. Prior to first use of the development a detailed flood emergency plan shall be submitted to and approved in writing by the Local Planning authority this plane shall be in accordance with the ADEPT/EA Flood risk emergency plans for new development Guidance'.

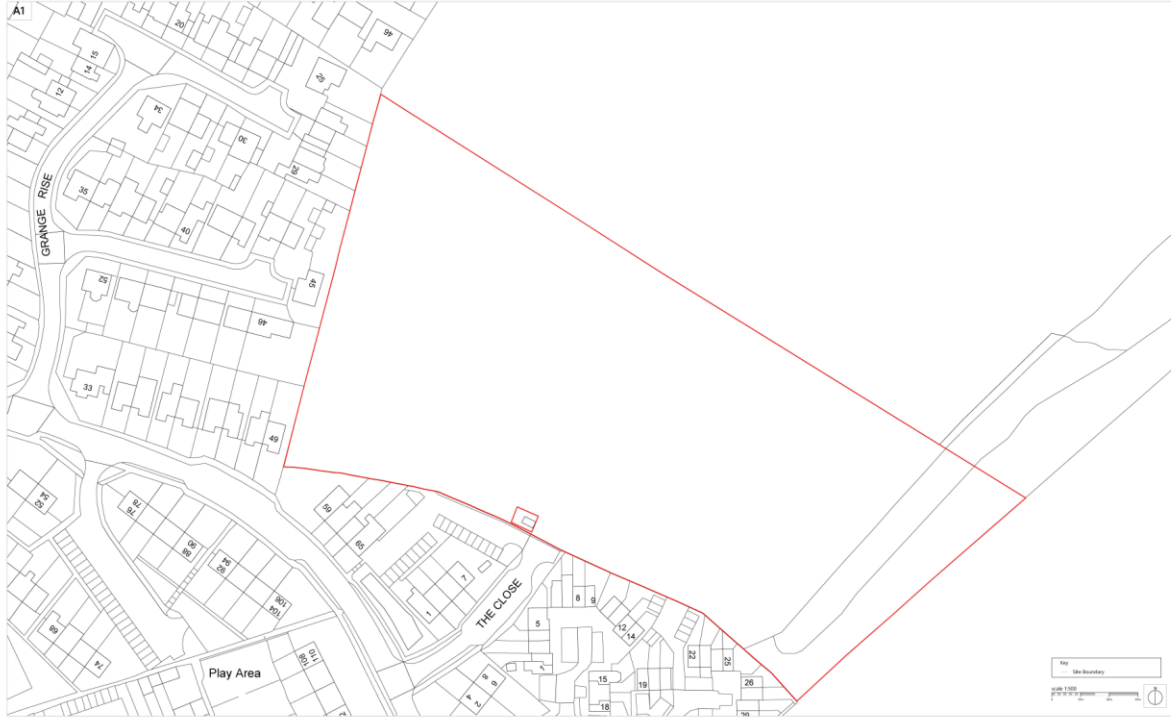
Reason: To ensure the flood risk is adequately addressed for each new dwelling and future users can have free access and egress from the development and their dwellings during a design flood event in accordance with NPPF

24. No development shall take place until written details are approved by the LPA of the model and location of 42 integrated Swift bricks, to be fully installed prior to occupation and retained thereafter.

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

**Proactive Statement:**

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



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Rev	Description	Date	By	Chk
A	Planning Unit	11.12.23	AM	AM
B	Site Boundary	11.12.23	AM	AM
C	Site Boundary	11.12.23	AM	AM

Project: Land at The Close, Colchester  
 Drawing: Site Location Plan-02

Client: MANDOR OAK HOMES  
 Job no: MANDOR OAK  
 Design: 23/24  
 Author: AMM  
 Status: PLANNING  
 Client ref:



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**PLANNING CONTROL COMMITTEE  
PLANNING APPEALS LODGED**

**DATE: 21 November 2024**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Mr & Mrs A Del Basso	21 October 2024	Removal of condition 9 of planning permission 23/00505/S73 granted 20.04.2023 for the erection of one detached four bedroom dwelling with associated access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding.	Glencoe Villa Snailswell Lane Ickleford Hitchin Hertfordshire SG5 3TS	24/01868/S73	Written Representations

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**PLANNING CONTROL COMMITTEE**

**DATE: 21 November 2024**

**PLANNING APPEALS DECISION**

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr & Mrs Kumar	Variation of condition 2 (revised plans PL07D) of planning permission 21/03472/FP granted 29.04.2022 for erection of one detached 6-bed dwelling following demolition of existing dwelling, to add boundary wall, railings and gates	16 Priory Way Hitchin Hertfordshire SG4 9BL	23/00924/S73	Appeal Dismissed on 18 October 2024	Delegated	<p>The Inspector concluded that the proposal would result in considerable harm to the character and appearance of this area and would represent particularly poor design in this context. It would be contrary to policy D1(Sustainable Design)(a&amp;bi) of the North Hertfordshire Local Plan 2011-2031 (2022) as it would not respond positively to the local context and would fail to enhance the public realm.</p> <p>The National Planning Policy Framework 2023 is clear that development that is not well designed should be refused. It is also clear, at paragraph 140, that the quality of approved development should not be materially diminished between permission and completion, as a result of changes being made to the permitted scheme. This proposal would materially diminish the approved scheme.</p>

Mr T Jensen And Ms J Tubby	Erection of two detached four-bedroom dwellings together with associated vehicular access and car parking, private gardens, hard and soft landscaping, and private footpaths. External alterations to the existing dwelling including works to the existing two storey bay window on the south east facing elevation and the insertion of new windows to the south west and north east facing elevations. (Amended plans received 16.10.2023)	Standelfield Standhill Road Hitchin SG4 9AE	23/00887/FP	Appeal Dismissed on 18 October 2024	Delegated	The Inspector stated that the proposal would represent strident new features that, rather than sitting within the landscape setting and complimenting it, would dominate and detract from it. The scale and design of these houses would be out of place and they would be overly dominant in the positions shown. The proposal would therefore represent poor design in this particular context. It would be contrary to policies SP9 (Design and sustainability) and D1 (Sustainable Design) of the North Hertfordshire Local Plan 2011–2031 (2022) as it would not be designed and located in a way that would respond positively to its local context. The National Planning Policy Framework 2023 is clear that development that is not well designed should be refused.
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# Appeal Decision

Site visit made on 23 September 2024

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 October 2024

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**Appeal Ref: APP/X1925/W/24/3338656**

**16 Priory Way, Hitchin, Hertfordshire SG4 9BL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr & Mrs Kumar against the decision of North Hertfordshire District Council.
  - The application reference is 23/00924/S73.
  - The application sought planning permission for a detached 6-bed dwelling following demolition of existing dwelling (as amended by plans received 23/03/22 and 25/03/22) without complying with a condition attached to planning permission reference 21/03472/FP, dated 29 April 2022.
  - The condition in dispute is number 2 which states that: 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.
  - The reason given for the condition is: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect on the character and appearance of the area.

## Reasons

3. Permission was granted in 2022 for a replacement dwelling. The works associated with the building of that dwelling have commenced. The approved plans included PL07 B. This illustrated a hedge to the roadside boundaries of the property. The appellants are seeking to replace the hedge with a low wall with high piers and railings between the piers. A gate is also sought. The hedge that existed at the time of the application and was shown on the plans, including those subsequently submitted and approved to satisfy the landscaping condition, has now been fully removed.
4. The approved layout plan PL03 C showed the hedge and a number of trees on or close to the northern boundary. The revision, PL03 E, includes the proposed gate and a solid brown line which reflects the position of the proposed new boundary. Both versions of this plan show a slope running from the new house up to the boundary hedge and a number of trees. It was apparent from my visit that the site has been excavated and a retaining wall built close to the boundary, with the land behind it levelled. This appears to be at odds with the

- approved plans. All the trees along the northern boundary have been removed although the single tree on the western boundary remains.
5. The permitted house is substantially larger than the house it replaced and extends significantly closer to the northern boundary in particular. Due to its design and position, it represents a strident new development within the street scene. The hedge and trees to the north would have ensured that the new works would have had a more limited prominence, despite their scale and limited set back. Without these features, the building is now extremely prominent in views from the road and footpath.
  6. I am mindful that the approved landscaping scheme advised that the boundary trees are to be retained if possible and if not, replaced with matching species. This was in addition to the hedge being retained. The approved plan also includes the addition of other trees within the garden and if still able to be planted, these have the potential to soften the built form over time. Although the landscaping scheme has been approved, it is self-evident that with the change in ground form and levels, the loss of trees and the removal of the hedge, it needs to be updated. No new landscaping details have been provided but could be required again by a revision to condition 9. I have, as far as I am able, considered the potential for re-instating the ground levels in accordance with the approved plans and the introduction of new planting within the space available. This proposal cannot however consider the changes made to the original plans, other than those specifically proposed.
  7. Generally, the area is characterised by the presence of hedges, garden trees and bushes. Properties are set back, ensuring that the buildings are perceived as being set within and behind the garden landscaping. This proposal would result in a new, high boundary feature. Although it is proposed that there would be railings above the lower wall, which would reduce its perceived solidity, it would nevertheless be a substantial new structure. Rather than reducing the prominence of development, or softening its appearance, it would substantially increase it. Even with a number of trees planted behind, it would appear as an entirely urban feature in this very sub-urban area.
  8. There are two properties that have higher, more solid boundary structures in the vicinity. Both have low walls with wooden fencing panels between higher brick piers. The neighbouring property, number 14, retains planting behind the fence and the house is set well back beyond a mature garden. At number 9, the dwelling is also set well back from the road. More limited garden planting has been retained and as a result, it does depart, to an extent, from the wider character of the area. I have not been provided with the details of the applications that led to these boundaries being accepted so I am unaware of the circumstances that led to their approval. They are not positive elements within this area but in any event, they differ significantly from the circumstances of the appeal property. I must in any event, consider the current proposal on its own particular merits, including the more dominant and prominent position of the dwelling.
  9. The proposed boundary would increase the prominence of development and be at odds with the positive examples of boundary treatments in the vicinity. It would represent a form of development that would be out of keeping in this location. It would fail to soften the impact of the approved dwelling. In this respect, it would be much less satisfactory than the approved details and the

approved landscaping scheme. It would result in considerable harm to the character and appearance of this area and would represent particularly poor design in this context. It would be contrary to policy D1(a&bi) of the North Hertfordshire Local Plan 2011-2031 (2022) as it would not respond positively to the local context and would fail to enhance the public realm.

10. The National Planning Policy Framework 2023 is clear that development that is not well designed should be refused. It is also clear, at paragraph 140, that the quality of approved development should not be materially diminished between permission and completion, as a result of changes being made to the permitted scheme. This proposal would materially diminish the approved scheme.
11. Whilst it is appreciated that a boundary is required that would provide privacy without unduly resulting in shade, this could be achieved by the approved plans, although re-planting would be necessary. This proposal does not offer a suitable alternative. In conclusion, as there are no matters that outweigh my concerns, I dismiss the appeal.

*Peter Eggleton*

INSPECTOR

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## Appeal Decision

Site visit made on 23 September 2024

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 October 2024

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**Appeal Ref: APP/X1925/W/24/3341389**

**Standelfield, Standhill Road, Hitchin, Hertfordshire SG4 9AE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr T Jensen & Ms J Tubby against the decision of North Hertfordshire District Council.
  - The application reference is 23/00887/FP.
  - The development proposed is two detached four-bedroom dwellings together with associated vehicular access and car parking, private gardens, hard and soft landscaping, and private footpaths; and alterations to the existing dwelling including works to the existing two-storey bay window on the south-east facing elevation and the insertion of new windows to the south-west and north-east facing elevations.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect on the character and appearance of the area.

### Reasons

3. The proposal would result in two new dwellings within the large garden of Standelfield. This assessment is based on the plans before the council when the decision was made including those submitted on 4 December 2023. Although alterations to the existing dwelling are proposed, the council's concerns relate only to the new dwellings. Although there are heritage assets in the vicinity, such as the conservation area and a converted chapel, the proposal would not harm the setting of either.
  4. From its junction with Park Street, Standhill Road is dominated by the presence of mature landscaping to both sides of the road as it rises and curves up the hill. This dense woodland character is punctuated by the two modern properties on the right but given their set back from the road they are not dominant in longer views. Standelfield and the properties to its west, are set behind mature woodland and are not experienced until arriving at the narrow driveway that serves them and forms part of the application site.
  5. Although it is evident that trees have been removed, the vegetation within the garden of Standelfield continues to screen the house, despite its raised position. There are gaps in this screening which allow clearer, shorter range
-

- views but these gaps are not evident in longer views along the road. The woodland character, generally devoid of evident development on both sides of the road, continues until Sandy Grove which provides the second access to Standelfield.
6. When travelling from the cemetery towards Park Street, Standelfield is evident in views between trees, despite its set back and mature landscaped garden. Given the evidence of the number of removed trees, it is likely that the house now has an increased prominence, although its position and retained screening ensure that it is not dominant. Overall, the lower section of Standhill Road retains a predominantly woodland character. The lack of prominent development to either side, notwithstanding the two houses to the west, adds significantly to its character and appearance.
  7. The plans have been amended with the proposed houses reduced in size. The layout has been modified to limit the incursion of development into the retained tree canopies and the staggered ground floor and proposed construction methods seek to avoid damage within root protection areas. The materials proposed have been chosen to help assimilate the structures into their setting and low level planting would offer improved screening of the development over time. However, despite these efforts and especially in the short to medium term, these new structures would be extremely dominant and prominent when approaching in both directions along Standhill Road.
  8. The upper element, particularly the south facing elevation, would be close to the pavement, particularly for the northern dwelling. This two storey element would be particularly imposing given its form and proximity to the boundary. The large glazed side windows would also be extremely intrusive, particularly at night, despite the retained and proposed landscaping. The dwellings would be overly dominant given their limited set back into the site. Their orientation would add to the mass of development experienced. They would entirely change the character and appearance of this area to its detriment.
  9. The proposed design and materials could be well suited to a woodland setting if the woodland and landscaping remained significantly more prominent with the dwellings appearing recessive within such a setting. However, this would not be the case given their scale and proximity to the boundary. They would represent strident new features that, rather than sitting within the landscape setting and complimenting it, would dominate and detract from it. The scale and design of these houses would be out of place and they would be overly dominant in the positions shown. The proposal would therefore represent poor design in this particular context. It would be contrary to policies SP9 and D1 of the North Hertfordshire Local Plan 2011–2031 (2022) as it would not be designed and located in a way that would respond positively to its local context. The *National Planning Policy Framework 2023* is clear that development that is not well designed should be refused.
  10. The above assessment is based on the assumption that the measures put forward to protect the health of the remaining trees would be successful and that future management requirements would not significantly alter what is currently proposed. The revised Arboricultural impacts assessment is not entirely persuasive in this regard. In any event however, even with the success of management measures proposed and positive future landscaping, the

development would remain unacceptably harmful due to its scale and proximity to Standhill Road.

11. It has been shown that the proposal would result in an increase in biodiversity and subject to conditions, I have no reason to consider that this would not be achieved. The design would also include significant measures with regard to sustainable construction; energy generation; water and thermal efficiency. These matters add to the economic and social benefits that would result from the building and occupation of two high quality houses. The proposal would also make a more efficient use of land in this relatively accessible location. These matters provide considerable weight in favour of the proposal.
12. The council are unable to demonstrate a five-year supply of land for housing. Paragraph 11d of the *Framework* advises that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* taken as a whole.
13. Although there are clearly benefits to the proposal, which can be afforded greater weight given the local housing supply position, the development would result in considerable harm to the character and appearance of this area and it would represent poor design in this particular context. I conclude that even on the basis of a positive view with regard to the future health and retention of trees and the development of the landscaping, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* taken as a whole. I therefore dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**

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**Planning Control Committee  
21 November 2024**

**\*PART 1 – PUBLIC DOCUMENT**

## **Planning Enforcement Quarterly Report**

### INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER

#### **1. SUMMARY**

- 1.1 This note is developed as the quarterly update of the Planning Enforcement 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 wide and varied caseload, prioritising those with the highest level of harm and public interest. Throughout 2024 Compliance Officers have been implementing a work plan to established themes that support the delivery of high quality and efficient investigations. Progress on this plan remains effective and has resulted in consistently high numbers of cases resolved, and an increase in formal action, where required and expedient to do so.

#### **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 provides an update of work between July – October 2024 and does not include details of current enforcement cases which is restricted information.

#### **3. INFORMATION TO NOTE**

- 3.1 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.
- 3.2 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.
- 3.3 Planning enforcement investigations are not a swift process, and officers are required to undertake site visits, review, and analyse legal and technical instruments before drawing conclusions about the breach and the appropriate action to be taken.
- 3.4 The Enforcement Team recognise that customers are keen for their cases to be resolved quickly, however it is also important that investigations are carried out robustly and in line with statutory requirements, enforcement principles and good practice.

- 3.5 A review of back-office systems and investigation decisions provided the backdrop for the implementation of support and processes to improve performance and the quality of investigations. Following a period of bedding-in new processes and quality outcomes, the strategic plan turned to focus on customer service as key to how members of the public perceive and experience the Planning Enforcement Service.
- 3.6 Officers have investigated and resolved 225 cases for far this year. As of the beginning of November, the were 132 cases awaiting resolution.

Investigation Cases:

<b>2024</b>	Q1: Jan-Apr	Q2: May-Jun	Jul-October	Total
New	44	68	85	197
Resolved	60	71	94	225
Differential	+16	+3	+9	+28

- 3.7 In line with the pattern of the number of breaches reported throughout the year, more cases are reported during the summer. Officers have managed to maintain the momentum of investigations, despite this time coinciding with the most popular period when Officers take annual leave and with two Officers on long-term absence.
- 3.8 The number of historic cases still to be resolved has steadily decreased and includes some of the most complex and challenging types of breaches.

**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 and was recently updated on the Council website. The Plan sets out NHDC’s approach to planning enforcement to reflect the priorities and reinforces that formal enforcement action is only considered when informal efforts are unsuccessful, or a breach is so serious that immediate action is required.
- 3.11 Information on the Planning Enforcement webpage has also been refreshed to complement the updates to the Plan and investigative process and timelines.

**Performance**

- 3.12 In addition to the 131 cases resolved up until end June 2024, a further 94 cases have been resolved between July – end of October 2024. As of beginning November 2024, 132 cases are under investigation, and an additional 20 cases pending decisions by Development Management or the Planning Inspectorate.
- 3.13 It is important to note that the number of cases do not tell the full story, as complex cases typically take significantly longer to resolve than comparatively minor cases.

- 3.14 The following enforcement actions were taken during the period July - October 2024:
- 5 Planning Contravention Notices
  - 1 Enforcement Warning Notice
  - 2 Enforcement Notices
  - 1 Listed Building Enforcement Notice
  - Breach of Condition Notice
  - Injunction Order

### **Customer Experience**

- 3.15 Updates to the planning enforcement webpages now includes the most recent publication of the Corporate Enforcement Policy. The Planning Enforcement Policy is found at Appendix E and includes revised investigation timescales.
- 3.16 How customers experience and perceive the planning enforcement service is critical for the reputation and public understandings of what effective planning enforcement looks like. Equally, work to educate and communicate the limitations of the planning enforcement regime is well under way. Updates to the website includes:
1. What is a breach and what we investigate
  2. Reporting form submitted directly to planning enforcement inbox
  3. FAQs
  4. Enforcement Action during 2024
  5. S106 Monitoring Data
- 3.17 Planning enforcement, is a primarily reactive service, relies on members of the public to report alleged breaches to us. Although the remit for investigation is clearly established and defined, the range of requests that lie outside the remit for planning enforcement investigation has driven a number of changes to help educate and embed that understanding more broadly and clearly to all our stakeholders.
- 3.18 Opportunities for communicating / education include updates to the following:
- Planning enforcement webpage sets out what we do and do not investigate:
- Planning Enforcement email auto-reply message has been updated to highlight our role in investigating alleged breaches, and sign-posts customers to other agencies/services responsible for non-enforcement matters
  - Triage of reported matters filters out the information and makes clear the matters that will be investigated, and signposts to services relevant to the complaint
  - Acknowledgement letters describe the information in the complaint through the correct planning terminology for an alleged breach that the Compliance Officer will investigate. Also included are the different stages of investigations, and the stage at which customers will be updated.
- 3.19 Officers recognise that transgressors are our customers as well as reporters. However, they have needs and expectations that can be in opposition to each other.

3.20 Reporters commonly want:

- Information about the works taking place and anticipated breaches
- Confirmation that we will investigate their complaint
- Assurance that their identity will not be disclosed
- Details of Officer findings from the site visit
- Frequent updates and decisions, including on hypothetical situations
- A role in the decision-making and progress of investigations
- Decisions and action to be taken more swiftly
- Punishment for transgressors / to catch transgressor out
- Transgressors not to 'get away it' or 'play the system'

3.21 Transgressors typically want:

- To know the identity of the complainant/s
- The opportunity to negotiate a solution with complainants and neighbours
- Time to resolve (or avoid resolving) breaches
- To offer justification to override the harm arising from the breach
- To exercise their opportunity to seek planning permission for the development
- To exercise their right to appeal against a refused planning permission
- To delay processes for as long as possible in order to avoid/stall formal action
- Financial loss to negate the need to resolve the breaches

3.22 Officers seek to stress that the investigative process can take time and is centred on the objective to bring harmful development in line with the regulations. That means we will not take action against technical breaches or those resulted in limited planning harm. We will act against development that is unauthorised + unacceptable.

3.23 Terminology of 'harm' can be problematic when explaining the impact of development, as reporters feel 'harmed' by perceived planning transgressions and may not accept the differences between personal and planning harm, even when explained by Officers.

3.24 In cases where an alleged breach is confirmed, people want to see that something has been done. Officers may invite a retrospective application to regularise the matter under the provisions of Section 73A of the Town and Country Planning Act 1990, which details with planning permission for development already carried out.

3.25 This step also allows for conditions to be imposed onto development if doing so would make it acceptable in planning terms. In cases where an application is not forthcoming, an Enforcement Warning Notice (EWN) may be served, and the breach becomes a matter of public record.

3.26 Members are asked to note that although planning enforcement is not driven by income-generating objectives, over 40 retrospective applications were submitted so far this year due to enforcement investigations. Together with 4 pre-apps has generated income of approximately £15,000.

3.27 A strong message is that carrying out development without first obtaining planning permission is not an offence. Despite strong feelings and sense of justice, the purpose of the planning enforcement is not primarily to punish, and formal action remains a last resort and deployed when breaches are so serious or when informal attempts for compliance fail.



- 3.28 The Planning Enforcement Team do appreciate that when people feel that there is no consequence or see that no action is taken, planning enforcement - and it's personnel – are perceived as ineffective and people feel let down. Officers understand that this can causes stress and anxiety for reporters and transgressors, who may both consider decisions to be unjust and treated unfairly. However, the team remain committed to deliver sound results as evidenced within this report and propose to include quarterly information on the planning enforcement webpage. In demonstrating the work we deliver, it is hoped that reporters will be encouraged that we take action where possible, and that potential transgressors will be discouraged from breaching the planning regulations.

<b>Enforcement Action 2024</b>	COMPLETED/ ACTIONED	PENDING DECISION
Investigations	225	130
Retrospective Planning Applications	40	16
Planning Contravention Notices	5	2
Formal Notices to Remove Breach	5	4
Prosecutions	1	1
Injunctions	1	1
Other	0	1

Last Updated 6<sup>th</sup> November 2024

#### **4.0 HIGH PROFILE CASES**

- 4.1 Officers prioritise breaches that Members report to us. Formal action is undertaken in line with the corporate enforcement approach, and with due regard to procedural propriety and collaboration with colleagues in other service areas and third-party expertise as required.
- 4.2 Investigating cases can be difficult to negotiate informal resolutions and complex to gather the evidence, meet the various tests required to serve formal Notices, and further enforcement action.
- 4.3 Decisions about whether to take formal action or further collaboration are balanced against the likelihood of an eventual outcome that sees the breach resolved. Issuing formal Notices do not in and of themselves resolve the breach, therefore due consideration is given to potential onward resources, time the breach will remain while awaiting a potential appeal decision, practicalities and other factors.
- 4.4 As such, strategic decisions are required that look beyond the immediate situation to include considerations of available resources to undertake prosecution action, injunction applications, and direct action if Notices are not complied with.
- 4.5 Officers fully appreciate that the cases brought to Members attention are often those where the public feel particularly passionate about or affected by. Invariably, prioritising some cases means deprioritising others, which is part and parcel of managing caseloads according to the seriousness of the harm arising from the breach.

## 5 S106 MONITORING AND DATA

- 5.1 Members have requested that details and information on the S106 monitoring and spend are published on the Council website as a mark of transparency and to give public visibility of the monies received, how it has been spent and the remaining balance that is available for allocation.
- 5.2 Following the appointment of the S106 Monitoring and Compliance Officer in August, a comprehensive review of the process and spending has been undertaken. Updates to the Council webpage is underway and proposed to include summarial information and an outline of the funds to be updated on a quarterly basis, as shown below:

### S106 Obligations – 01/04/2023 – 31/10/2024

Total Amount of S106 Funding Received	Total Amount of S106 Funding Spent	Total Balance of Remaining S106 Funds Available
£XXXXXX	£XXXXXXXX	£XXXXXX

Last updated xx xx xxxx

- 5.3 As part of this work, various reports will be made available both quarterly and annually for public information on the website:
- Breakdown of received
  - Breakdown of allocation
  - Breakdown of spend
  - Breakdown of live funds
- 5.4 Members will also find Appendix A attached as proposed wording to update s106 page on website and areas identified to be developed to expand and enhance s106 obligations information available.

## 6.0 CONCLUSION

- 6.1 Progress and performance within the team that is motivated and growing in experience continues in a positive direction. Examples in the report of formal action undertaken indicate willingness to take action necessary to resolve breaches that result in significant harm to the environment and community.
- 6.2 A polite reminder for members that in order to deliver the most efficient response, Members are encouraged to email [planning.enforcement@north-herts.gov.uk](mailto:planning.enforcement@north-herts.gov.uk) and copy in Ian Fullstone (as Director of Regulatory Services and responsible for the Planning Enforcement Service) and/or Shaun Greaves, Development and Conservation Manager.

## 7. NEXT STEPS

To note this report.

## 8. APPENDICES

Appendix A – Proposed S106 wording for website.

**9. CONTACT OFFICERS**

Christella Menson, Conservation and Enforcement Team Leader  
[christella.menson@north-herts.gov.uk](mailto:christella.menson@north-herts.gov.uk)

**10. BACKGROUND PAPERS**

None

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# Appendix A

## What are S106 Planning Obligations

### Section 106 Agreement

The Town and Country Planning Act 1990 allows local planning authorities, like North Herts Council, to enter into a legally binding agreement or planning obligation with a landowner as part of the grant of planning permission. This obligation is known as a section 106 agreement.

### What can planning obligations do?

Section 106 agreements provide a mechanism to make a development proposal acceptable in planning terms. They are focused on site specific mitigation of the impact of the development on the local community and can be used to support provision of services and infrastructure such as education, highways, affordable housing and recreational facilities.

### Planning Obligations in North Hertfordshire

The Developer Contributions Supplementary Planning Document (SPD) was adopted in February 2023 and supports the new Local Plan for the period 2011-2031. It sets out how payments in North Hertfordshire are secured under S106 agreements, collected and administered. [Developer Contributions Supplementary Planning Document | North Herts Council](#)

### Section 106 Agreement and the Community Infrastructure Levy

A Community Infrastructure Levy (CIL) is a set charge on development and liability is automatically triggered by the grant of planning permission. Explanatory notes regarding CIL and North Hertfordshire can be found here: [Community Infrastructure Levy | North Herts Council](#)

**Please note that North Hertfordshire currently does not have a CIL and uses s106 legal agreements to secure contributions from new development**

### Monitoring Planning Obligations in North Hertfordshire

Once a planning obligation is secured by a s106 agreement or unilateral undertaking, it is recorded and monitored by the S106 Compliance and Monitoring Officer who will monitor the triggers for payments contained within the agreements and seek payment as appropriate.

If a breach of a planning obligation occurs, the Compliance and Monitoring Officer will contact the relevant party and offer an opportunity to remedy the breach. If this cannot be achieved, the Compliance and Monitoring Officer will review the breach with the Planning Enforcement/Development Manager and Legal Services prior to action being taken.

### How are planning obligations enforced?

The council will always try and resolve breaches by working with the relevant party in the first instance but will take legal action where co-operation is not forthcoming. Enforcement can be through the courts, by application for an injunction or by carrying out necessary operations required in the planning obligation and recovering the cost from those against who the obligation is enforceable.

For any queries relating to s106 agreements, planning obligation monitoring and payment please contact [compliance.monitoring@north-herts.gov.uk](mailto:compliance.monitoring@north-herts.gov.uk)

## **S106 Obligations - Areas identified for inclusion and development**

### **Guide to Town and Parish Councils:**

- Reports providing details of s106 obligations available for allocation and spend.
- S106 contribution request forms being available online
- How to access and spend received contributions
- How planning contributions are agreed and how Town and Parish Councils can be involved
- “Wish List” – projects identified by Town and Parish Councils that could be included in agreements for new development.

### **Reports:**

- S106 obligations received, spent and balance held in quarter (quarterly)
- S106 obligations for service areas spent in year (annual)
- S106 agreements signed during year (annual)
- S106 obligations allocated (quarterly)
- S106 obligations – Live and awaiting allocation (quarterly)

### **Benefits of Pre-Application advice for large developments**

For large developments that may require s106 contributions, early opportunity to look at possible contributions.

### **Heads of Terms Templates**

Explanatory notes of procedure for developers for early engagement with Planning Officers.

### **Infrastructure Funding Statement**

Annual reporting of s106 contributions in line with requirements of IFS to publish a summary of all financial and non-financial developer contributions relating to s106 agreements.

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

Document is Restricted

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