

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**



04 July 2025

Our Ref Planning Control Committee 17 July 2025  
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To: Members of the Committee: Councillors Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Martin Prescott, Clare Billing, Dave Winstanley, Ian Mantle, Val Bryant, Caroline McDonnell, Ruth Brown, Bryony May, Louise Peace and Tom Tyson

Substitutes: Councillors Joe Graziano, Claire Strong, Sadie Billing, Jon Clayden, Mick Debenham, Steve Jarvis, Tina Bhartwas and Daniel Allen

**NOTICE IS HEREBY GIVEN OF A**

**MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

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

On

**THURSDAY, 17TH JULY, 2025 AT 7.00 PM**

Yours sincerely,

Jeanette Thompson  
Director – Governance

**\*\*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>
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b> Members are required to notify any substitutions by midday on the day of the meeting.  Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
<b>2.</b>	<b>MINUTES - 19 JUNE 2025</b> To take as read and approve as a true record the minutes of the meeting of the Committee held on the 19 June 2025.	(Pages 5 - 18)
<b>3.</b>	<b>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.  The Chair will decide whether any item(s) raised will be considered.	
<b>4.</b>	<b>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.	
<b>5.</b>	<b>PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public.	

6. **23/01552/OP LAND SOUTH OF, WATTON ROAD, KNEBWORTH, HERTFORDSHIRE** (Pages 19 - 104)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Outline planning permission for up to 200 dwellings (including affordable housing), structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters reserved except for means of access.

7. **25/00104/FP LAND TO THE REAR OF BANYERS HOTEL, KING JAMES WAY, ROYSTON, HERTFORDSHIRE, SG8 7BZ** (Pages 105 - 130)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Outline planning permission for a residential development to provide 9 flats with associated vehicular parking and access via existing dropped kerb from King James Way with ancillary bike and refuse store.

8. **25/00309/FP IVY'S COTTAGE, SMITHS END LANE, BARLEY, ROYSTON, HERTFORDSHIRE, SG8 8LH** (Pages 131 - 146)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of one detached self-build 2-bed retirement dwelling and ancillary works (additional plans received 16.04.2025).

9. **APPEALS** (Pages 147 - 178)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

To update Members on appeals lodged and any decisions made.

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# Public Document Pack Agenda Item 2

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY, SG6 3JF  
ON THURSDAY, 19TH JUNE, 2025 AT 7.00 PM

#### MINUTES

**Present:** *Councillors: Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Ruth Brown, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Tom Tyson, Martin Prescott, Clare Billing, Dave Winstanley and Val Bryant.*

**In Attendance:** *Amy Cantrill (Trainee Committee, Member and Scrutiny Officer), Paul Chaston (Senior Planning Officer), Faith Churchill (Democratic Services Apprentice), Sam Dicocco (Principal Planning Officer), Shaun Greaves (Development and Conservation Manager), Arhamna Jafri (Locum Planning Lawyer), James Lovegrove (Committee, Member and Scrutiny Manager), Henry Thomas (Planning Officer) and Melissa Tyler (Senior Planning Officer).*

**Also Present:** *At the commencement of the meeting approximately 17 members of the public, including registered speakers.*

*Also in attendance was Councillor Claire Winstanley as a Member advocate.*

#### 1 APOLOGIES FOR ABSENCE

*Audio recording – 2 minutes 2 seconds*

There were no apologies for absence.

#### 2 MINUTES - 3 APRIL 2025 AND 15 APRIL 2025

*Audio Recording – 2 minutes 16 seconds*

Councillor Nigel Mason proposed, and Councillor Ian Mantle seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meetings of the Committee held on 3 April 2025 and 15 April 2025 be approved as a true record of the proceedings and be signed by the Chair.

#### 3 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 3 minutes 9 seconds*

There was no other business notified.

#### 4 CHAIR'S ANNOUNCEMENTS

*Audio recording – 3 minutes 15 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 that the order of the agenda had been changed to that published and would be considered in the following order Agenda Item 6, Agenda Item 9, Agenda Item 10, Agenda Item 7 and Agenda Item 8.
- (6) The Chair advised that should proceedings continue at length, there was a Constitutional procedure to make the item under consideration at 10.30pm the final item, with any remaining items to be deferred to the meeting of the Committee scheduled for Thursday 17 July 2025.

## 5 PUBLIC PARTICIPATION

*Audio recording – 6 minutes 12 seconds*

The Chair confirmed that the registered speakers were in attendance.

## 6 24/02214/FP LAND ON THE NORTH WEST SIDE OF GREEN LANE, ASHWELL, HERTFORDSHIRE, SG7 5LW

*Audio recording – 7 minutes 10 seconds*

*N.B. Cllr Tom Tyson declared an interest in this item due to being the Member Advocate Objector and moved to the Public Gallery.*

The Senior Planning Officer provided a verbal update on matters relating to Application 24/02214/FP and advised that:

- The Highway Authority had thoroughly reviewed previous applications and have deemed this current application acceptable.
- The objections from the Parish Council were that the changes in the new application did not address the concerns set out in their previous letter of objection.

The Senior Planning Officer then presented the report in respect of Application 24/02214/FP supported by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Louise Peace
- Councillor Clare Billing
- Councillor Ian Mantle

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

- It would be possible to add a condition to prevent development into the roof spaces without further planning permission.
- The Waste team had been consulted and were content with the access waste vehicles would have to properties.

- Details on the bin storage facilities to be provided were covered by Condition 16, including the arrangements for the mid-terrace dwelling.

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

- The position of the Highways authority was neither to approve or refuse the application, but their lack of position did not mean that there was no impact on residents.
- Green Lane was private with no public access which meant Highways were not a statutory consultee on this application.
- Green Lane was previously at capacity for vehicles and this would become a severe issue with further development.
- Despite this being a different site, access was still a key consideration with this application.
- Previous applications were rejected and nothing was changed.

The Chair thanked Mr Rogers and invited Ms Jill Powell to speak against this application. Ms Powell thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The applicant was aware of objection letters but had not addressed these.
- She had lived on Green Lane since 1956, and for the last 10 years had worried about traffic between houses 3, 5 and 7.
- This development was unsustainable.
- Increased traffic would create an unusable road.
- Residents walk into the village and with an increase in traffic, there were concerns about safety.
- Online shopping had increased, and delivery vehicles travel fast creating an additional hazard.
- The proposals would create an issue for access for emergency vehicles. Even as amended, the bottle neck created was unworkable for residents.

The Chair thanked Ms Powell and invited Mr Mathew Lee to speak against this application. Mr Lee thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- This is the third time that a planning application has been proposed on this lane, the last two were refused.
- As this was not an adopted Highway, the County Council were not required to formally comment on this application, but they had noted that were it adopted an objection would have been submitted.
- Parking issues in Green Lane had caused a bottle neck for vehicles.
- Photos of the lane during bin collection had been submitted as part of the consultation process and demonstrated the congestion at these times.
- Access to Green Lane was unsafe and had been unchanged from previous applications, which would be especially dangerous for children.
- He believed claims that things have changed were not true, the only change was location from east to west.

The Chair thanked Mr Lee and invited Councillor Tom Tyson to speak against this application. Councillor Tyson thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- He called in the item due to supporting the objections of the community.
- The Neighbourhood Plan stated that development density should match that of the surrounding area of the proposed development, which this did not.

- The benefits of the development do not outweigh the cost of urbanising effects of 7 houses on the edge of a village which backed onto farmland.
- The Ashwell Neighbourhood Plan sought to ensure traffic generation did not adversely affect safety and the response to previous refusals show that this development does increase harm.
- The manoeuvring needed to navigate parked cars and delivery vans was extensive, this created a risk to pedestrians and cyclists.
- The passing bay increased the road width to 4.7 metres which would make it tight for a waste vehicle and a large car to pass each other.
- He agreed with the members of the Parish Council and urged the committee to refuse the application.

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

- The applicant worked with officers at NHDC and HCC for 18 months on the proposal.
- Due to the lack of 5 year housing land supply, the Council would need to approve the proposal, unless the impacts significantly and demonstrably outweighed the benefits.
- The proposal is recommended by the Councils officers.
- There would be 7 2 to 4-bedroom houses, which would fit within the requirements under the Ashwell Neighbourhood Plan.
- There would be generous space between dwellings and the proposal was compliant with the parking policy of the adopted Local Plan.
- The houses would have electric vehicle charging points.
- Previous applications referred to by objectors were on the opposite side of Green Lane and therefore there was no relevant planning history for this application and site.
- Improvements and upgrades of the lane, including the widening of the lane, meant there would be safe access for emergency vehicles and there were no concerns raised by the County Council regarding risk to pedestrians.
- In legal terms there was nothing to stop the right of access being enhanced as land controlled by applicant.
- The application represented a policy compliant scheme, as assessed by officers and consultees.

The following members asked questions:

- Councillor Caroline McDonnell
- Councillor Martin Prescott
- Councillor Louise Peace

In response to questions, Ms Owen advised that:

- One of the three-bedroom houses had a bedroom on the ground floor and would therefore be accessible for disabled residents.
- The point regarding history of the site was just clarification that previous applications were at a different site and therefore HCC objections were not relevant to this application.
- Due to proposed installation of heat pumps, the solar panels were unnecessary.

The Chair thanked Ms Owen for her presentation.

Councillor Ian Mantle proposed to grant permission, with the removal of Condition 13. This was seconded by Councillor Emma Fernandes.



The following Members took part in the debate:

- Councillor Martin Prescott
- Councillor Ruth Brown
- Councillor Louise Peace
- Councillor Val Bryant

The following points were raised as part of the debate:

- The report was detailed but Members needed to be satisfied with the access arrangements and any road widening should happen before any work was commenced.
- The roof space could be converted, and a condition should be added to remove permitted development of this space to make house larger than needed.
- Waste storage was still a concern.
- 5-year housing supply argument would be affected by Baldock master plan so would these houses be needed.

The Chair confirmed with the proposer and seconder that two additional conditions relating to pre-commencement highways work and the removal of permitted development rights were acceptable. Having been proposed and seconded and, following a vote, it was:

**RESOLVED:** That application 24/02214/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with the removal of Condition 13, the renumbering of the remaining conditions, and the addition of Conditions 20 and 21, as follows:

*'Condition 20*

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

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

*Condition 21*

*Prior to the commencement of the development hereby permitted, the approved three pedestrian refuges and two vehicle passing bays shall be fully constructed in accordance with the approved details outlined in the Transport Statement (dated February 2025). Thereafter, the passing bays and pedestrian refuges shall be retained, maintained in a good state of repair, and kept free from obstruction at all times in perpetuity, to ensure the safe and efficient operation of the private road.*

*Reason: To ensure adequate access for vehicles and pedestrians and to maintain highway safety in accordance with Policy T1 of the North Hertfordshire Local Plan 2011 to 2031.'*

*N.B. Cllr Tom Tyson returned to the chamber at 20:02.*

**7 25/00012/FP 25 MILESTONE ROAD, HITCHIN, HERTFORDSHIRE, SG5 2SZ**

*Audio recording – 1 hour 1 minute 30 seconds.*

*N.B. Cllr Nigel Mason declared an interest in this item due to being a Hitchin Oughton Ward Councillor and had previously made comments on this application and therefore left the Chamber for the duration of the item. For this item, Cllr Emma Fernandes took over as Chair.*

*N.B. Cllr Claire Billing declared an interest in this item due to being the Member Advocate Objector and moved to the Public Gallery.*

The Senior Planning Officer gave an update following a site visit stating that the applicant had decided to divide the garden into two sections following a visit from the Hertfordshire CYP Placement Officer, with one section being provided for the annexe to the property, which was envisioned would host an older child, who would require more independence.

The Senior Planning Officer presented the report in respect of Application 24/00012/FP supported by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Dave Winstanley
- Councillor Val Bryant
- Councillor Ruth Brown
- Councillor Louise Peace

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

- Including the semi-independent annex there would be three residents.
- All the residents would be under the age of 18.
- For the three residents there would always be a minimum of two members of staff.
- The residence was currently labelled C3b residential dwelling and was applying to become C2.

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

- He and his family lived next door to number 25, and he also represented other neighbours on Milestone Road.
- When the original application for C3 was submitted last year, it had been advised that this would be like living next to a normal family. However, the reclassification to C2 could mean young people from prison or youth detention centres.
- The changes to the garden had already been completed, which gave the impression that the applicant thought planning permission would definitely be given.
- The dwelling was in the middle of the road that has elderly people and was located close to a school and nursery and there were concerns as to what measures had been put in place to keep other residents safe.
- There were concerns as to whether the community would be informed if residents had prior convictions. The property looked like it had been changed to increase security, and there were concerns of the property becoming secure unit.
- Concerns about an increased crime rate had been raised by police.
- Care properties had become a lucrative business, what would be given back to the community.
- There were risks that the community would like to be addressed.
- He was worried about dangerous young people being next door to his children.

The following Members asked questions:

- Councillor Val Bryant
- Councillor Tom Tyson

In response to questions, Mr Brooks advised that:

- The letter from the Crime Prevention Design Advisor had the reference number CPD 111652024.
- There had been a lack of communication from Social Services regarding change of use.

The Chair thanked Mr Brooks and invited Councillor Claire Billing to speak against this application. Councillor Billing thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- That she supported the principal of the property and believed that children in care should benefit from the same opportunities as other young people, but the Council had a duty to make sure that dwellings such as this were safe for the community they were placed in.
- Herts Police crime prevention services could not support the application in its current form and recommended that the applicant engage with the crime prevention service.
- The application was originally for two young people but had increased to three.
- Local families were worried about their own children, especially as there is nothing to prevent noise from the property impacting on neighbours.
- There needed to be transparency and safeguards for a residence such as this.

The Chair thanked Councillor Biling and invited Mr Alvin Osei-Tutu, as Applicant, to speak in support of this application. Mr Osei-Tutu thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- He was co-owner of the property which already has planning permission for C3b.
- The change to C2 was to allow for shift work and would require enhancements on the current safeguarding situation.
- He had many years of experiences in residences which provided care services.
- The application was not for an institution, but a home for young people aged 8-18 where they could heal and grow.
- The company would be employing trauma informed carers employed and would look to acquire an Ofsted accreditation.
- Noise should be similar to a standard home with three children, with shift changes to happen at 8am and 8pm to reduce noise.
- To increase safety, all carers would be DBS checked and well trained and the residence would be regulated by Ofsted.
- There were no objections to the proposal from Environmental Health or Highways.
- There was a pressing need for such homes as nationally there was a shortfall in small therapeutic homes.
- This development was an opportunity to give children a safe place.

The following Members asked questions:

- Councillor Dave Winstanley
- Councillor Val Bryant
- Councillor Martin Prescott
- Councillor Bryony May
- Councillor Louise Peace
- Councillor Emma Fernandes
- Councillor Ruth Brown

In response to questions, Mr Osei-Tutu advised that:

- Children would be referred through Hertfordshire County Council in the first instance. However, if there were no children locally then the places would be opened up nationally
- The ratio for staff will always be three children to two or more staff.
- Most of the twelve staff were located within a twenty minute radius of the property.
- This was the first Lumin home for young people, the business does also provide domiciliary.
- This was a new protocol, which was designed with other companies and social workers.
- Marge limited was the owner of the home, Marge partners were running the home and would be registered with Ofsted.
- The aim was to provide long term care so hopefully a child would stay until 18 they were years of age.
- Regular reviews would be carried out in conjunction with social workers.
- Where possible children would go to schools locally, they could travel in the company car and would be encouraged to use public transport.
- Staff members may need to be at school with the young people, or they may have other tasks to complete on the property, they would not be in the home if not necessary.

In response to questions the Development and Conservation Manager advised that members were to focus planning permission considerations and not the day to day running of the business.

The Chair thanked Mr Osei-Tutu for his presentation.

In response to questions the Senior Planning Officer advised that:

- Children with extreme difficulties would not be selected for this property which was part of the conditions.
- The Crime Officer report was completed before the current plans were clarified. Following clarification, the Crime Officer was reconsulted but no further response had been received.

Councillor Ruth Brown proposed to grant permission. This was seconded by Councillor Tom Tyson.

The following Members took part in the debate:

- Councillor Val Bryant
- Councillor Dave Winstanley
- Councillor Ian Mantle
- Councillor Martin Prescott
- Councillor Tom Tyson

The following points were raised:

- Having visited the site, it was a good location to provide a normal environment for vulnerable children.
- The company was new but that was not a planning concern and there were no planning considerations that would allow for refusal.
- Smaller residential homes were better than larger homes.
- There were no planning considerations to refuse.
- It was shame children services could not be more involved with residence.

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

**RESOLVED:** That application 25/00012/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

*N.B. Following the conclusion of this item, there was a break in proceedings and the meeting reconvened at 21.00.*

*N.B. Cllr Mason and Cllr Billing returned to the Chamber at 21.00.*

**8 25/00466/FP MORRISONS SUPERSTORE, BROADWAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 3TS**

*Audio recording – 1 hour 59 minutes 46 seconds*

The Planning Officer presented the report in respect of Application 25/00466/FP supported by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Dave Winstanley
- Councillor Martin Prescott
- Councillor Tom Tyson
- Councillor Claire Billing
- Councillor Ruth Brown
- Councillor Bryony May

In response to questions, the Planning Officer advised that:

- He could not confirm that the 30db noise was constant or only when in use.
- Conditions already stipulate that signage was not currently permitted and further permission must be requested.
- The 30db would be between 7am and 10pm.
- The only lighting would come from touch screen display.
- The charges would only be usable between 7am and 10pm.

In response to questions, the Development and Conservation Manager advised that whilst a percentage of parking spaces at establishments such as supermarkets were designed and reserved for disabled users, currently there was not enough provision of EV bays to justify a requirement for a percentage of EV charging spaces to be reserved disabled bays.

The Chair invited Ms Marlene Gray to speak against this application. Ms Gray thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- She was speaking on behalf of her daughter who lived adjacent to the proposed charging points.
- The area surrounding the proposed charging points was a quiet area, and the House of Lords Science and Technology Committee reported that low level noise pollution could be life shortening.
- Properties could be devalued by proximity to a substation.
- Fires at electrical substation could spread as neighbouring properties were only 23m away.

In response to a question by Councillor Martin Prescott, Ms Gray advised that she did not just object to the substation as she believed the chargers would also make low level noise.

The Chair thanked Ms Gray and invited Ms Jackie Sayers to speak against this application. Ms Sayers thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- Her house backed on the car park where the charges were proposed.
- Electric Vehicles are good, but the design of the charging points must be modest.
- She provided Members with pictures prior to the meeting which showed bright blue fixtures which would be unsightly.
- A different location would be better for disabled users.

In response to a question by Councillor Nigel Mason, Ms Sayers advised that pictures circulated to Members ahead of the meeting were obtained from the website of the EV charger company.

The Chair thanked Ms Sayers and invited Councillor Claire Winchester to speak against this application. Councillor Winchester thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- She had called in this item to support residents in her ward.
- She was not against the provision of electric vehicle chargers, but believed it could be placed at a better location within the car park.
- The difference in ground height meant headlights would be at bedroom height for nearby residents.
- The chargers themselves may not be loud, but the cars parked charging could be.
- Chargers could be attempted to be used later meaning the headlights would be shining through the windows at any time.

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

- The noise assessment had been validated by the Environmental Health team at the Council.
- That a potential reduction in house prices was not a material planning consideration.
- That the drawings in the presentation represented what the charging stations would look like, and any different style would need separate planning permission.
- That the location was determined by existing underground cabling.

In response to points raised during the public presentations, the Locum Planning Lawyer advised that there was no requirement for an applicant to be present at this Committee and this would not constitute a valid reason to defer but the item could be deferred if Members consider that more information was required to determine the application.

Councillor Claire Billing proposed to defer the application. This was seconded by Councillor Martin Prescott.

The following Members took part in the debate:

- Councillor Ian Mantle
- Councillor Tom Tyson
- Councillor Caroline McDonnell
- Councillor Martin Prescott
- Councillor Dave Winstanley
- Councillor Ruth Brown
- Councillor Val Bryant

The following points were raised:

- More information was needed in consideration of the comments from objectors regarding noise and light of the chargers, and more visual support was required.
- Information should be gathered as to whether the Council retained a covenant on the land, as previous landowners.
- Whether further details could be required if permission was granted.
- There could be issues around non-determination by the Council if item was deferred, which may lead to the return of the planning fee.
- Drawings that have been submitted were limited and more information about electric vehicle charging points would allow for a more informed decision.
- There were trees between the proposed charging station and the houses which Members felt would limit some noise.
- Further request was made to review the drawings and layout plan to ascertain whether there was sufficient information to determine the application.
- It was recognised that the substation was furthest away from the nearby residential properties.
- No reason could be pinpoint to defer the application.

During the debate the Locum Planning Lawyer confirmed that the application could be deferred if Members considered that insufficient detail was available to enable them to properly assess and determine the application

During the debate the Development and Conservation Manager confirmed that the period for determination of the application was due to expire the following day, after which the applicant would have a right to appeal against the failure to determine the application and that this runs the risk of an application for costs, but that the applicant may not lodge such an appeal.

During the debate the Planning Officer confirmed that the substation would be 16 metres from the closest point to the property.

Following the debate, Councillor Claire Billing withdrew her proposal to defer this application.

Councillor Martin Prescott proposed to grant permission, and this was seconded by Councillor Ruth Brown and, following a vote, it was:

**RESOLVED:** That application 25/00466/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

**9      24/02333/FP LAND BETWEEN PRIORY FARM AND WYMONDLEY SUBSTATION, BLAKEMORE END ROAD, LITTLE WYMONDLEY , HERTFORDSHIRE**

*Audio recording – 2 hours 52 minutes 10 seconds*

The Senior Planning Officer then presented the report in respect of Application 24/02333/FP supported by a visual presentation consisting of plans and photographs.

*N.B. Cllr Caroline McDonnell declared an interest in this item due to being a Wymondley Parish Councillor and left the Chamber.*

In response to a question from Councillor Dave Winstanley, the Senior Planning Officer advised that 10% biodiversity net gain would be achieved by the provision of an off-site mitigation area.

The Chair invited Mr Luke Rogers, as the applicant, to speak in support of this application. Mr Rogers thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- This application was a thoughtful and clean energy proposal, just like the original application.
- The original application had an alternative cable route which would have closed roads, this raised concerns in local community and this new application developed a new route to mitigate this.
- The aim was to reduce impact for daily life and throughout consultation this had no objections.
- Drilling would take place entirely underground to protect ecological features and the cabling would be invisible once fitted.
- The application aligned with local and national planning rules and was supported by Officers at the Council.

Councillor Ruth Brown proposed to grant permission and this was seconded by Councillor Ian Mantle and, following a vote, it was:

**RESOLVED:** That application 24/02333/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

*N.B. Cllr Caroline McDonnell returned to the chamber at 22:02.*

**10 24/02713/FP LAND AT RADWELL BURY FARM, NEWNHAM ROAD, NEWNHAM, HERTFORDSHIRE**

*Audio Recording – 3 hours 5 minutes 5 seconds*

The Principal Planning Officer then presented the report in respect of Application 24/02713/FP supported by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Claire Billing
- Councillor Tom Tyson
- Councillor Louise Peace

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

- The distance between the two units was three metres.
- All visual impact was assessed by play services and they were happy with the level of impact.
- New and native species would be added to hedgerows to protect natural viewpoint.
- The CPRE objection on the portal was not in the report due to it no longer being applicable.
- The Environmental Health assessment had raised no objections in relation to noise.

The Chair invited Mr Ryan Macindoe, as the representative of the applicant, to speak in support of this application. Mr Macindoe thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- As Head of Development at Balance Power he was committed to renewable and low carbon energy across the UK.



- Cleaner more sustainable electricity often varied based on environmental conditions such as wind speed. By creating an area for storing electricity such as this, it would ensure that renewable energy supply could be provided to meet demands at times when environmental conditions were not favourable.
- The site was ideal for such infrastructure as it exceeded the requirements for such a project.
- The batteries would be connected via underground cables.
- The site was not within the green belt, is away from housing and would create no visual or landscape impact.
- To maintain no significant harm, the hedge rows on the road would be filled in to increase local biodiversity and reduce visual impact.
- The plan was temporary and after 40 years the site would be returned to natural land.

The following Members asked questions:

- Councillor Dave Winstanley
- Councillor Claire Billing
- Councillor Ruth Brown
- Councillor Tom Tyson

In response to questions, the Mr Macindoe advised that:

- In choosing the corner of the field for the batteries the landowner did an analysis, and found that the service station had a hotel, in order to avoid disturbing guests a corner furthest away from the services. The corner also had existing underground cabling which makes connection easier.
- Cabling would be completed by Distribution Network Operator.
- In the event of a fire all electronics would be shut down, at the advice of the fire service a turning circle was added to the north platform to allow the fire service to manoeuvre in the event of smoke plumes.
- The energy was indirectly linked to renewable energy as this would be exported to the grid, the battery farm would then import from the grid and export when demand was high.
- The noise assessment was worst case scenario and with the batteries running at the highest-level noise could be heard up to 1km away.

Councillor Dave Winstanley proposed to grant permission. This was seconded by Councillor Val Bryant.

The following Members took part in the debate on the amendment:

- Councillor Ruth Brown
- Councillor Caroline McDonnell

The following points were raised as part of the debate on the amendment:

- The CPRE raised objections.
- There was precedent for fires at battery farms.

In response to points raised in the debate, the Principal Planning Officer clarified that the visual impact that the CPRE objected to had been rectified as laid out in report.

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

**RESOLVED:** That application 24/02713/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

11 **APPEALS**

*Audio recording – 3 hours 37 minutes 19 seconds*

The Development and Conservation Manager provided an update on Planning Appeals and advised that since the last update there were four appeals lodged and eight appeal decisions, with 5 of these having been dismissed and 3 allowed, including the Rhee Spring development.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Dave Winstanley

In response to questions, the Development and Conservation Manager advised that:

- The policy within the Local Plan stated that the 40% affordable housing provision was where viable. In this instance, following viability assessments, it was not deemed viable to provide the 40% affordable housing for this development.
- He would provide further information on the hearing for the Land at New Pound Farm appeal at the next meeting of the Committee, but the hearing would be accessible to the public and Members.

The Chair requested that the Development and Conservation Manager give a detailed update on the Rhee Spring Appeal Decision at the next meeting.

The meeting closed at 10.43 pm

Chair

<u>Location:</u>	<b>Land South Of Walton Road Knebworth Hertfordshire</b>
<u>Applicant:</u>	<b>Gladman, K Tubb and D Collingridge</b>
<u>Proposal:</u>	<b>Outline planning permission for up to 200 dwellings (including affordable housing), structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters reserved except of means of access.</b>
<u>Ref. No:</u>	<b>23/01552/OP</b>
<u>Officer:</u>	<b>Paul Chaston</b>

## **Date of expiry of statutory period**

Tuesday 3 October 2023

## **Extension of statutory period**

Friday 18 July 2025

## **Reason for Delay**

Discussions and negotiations on various technical aspects, further information received and additional consultation exercises that was undertaken as a result.

## **Reason for Referral to Committee**

The site area for this application exceeds 0.5 hectares and proposes residential development. Under the Council's scheme of delegation, the application must be determined by the Council's Planning Control Committee.

## **1.0 Site History**

- 1.1 21/02586/OP – Outline application for the erection of up to 200 dwellings with the provision of affordable housing, public open space, landscaping and sustainable drainage system (SuDS), vehicular access points and associated ancillary works. All matters reserved except for means of access. This application was withdrawn in July 2023.

## **2.0 Policies**

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

Adopted 8 November 2022.

Policy SP1: Sustainable Development in North Hertfordshire  
Policy SP2: Settlement Hierarchy  
Policy SP5: Countryside and Green Belt  
Policy SP6: Sustainable transport  
Policy SP7: Infrastructure requirements and developer contributions  
Policy SP8: Housing  
Policy SP9: Design and Sustainability  
Policy SP10: Healthy Communities  
Policy SP11: Natural resources and sustainability  
Policy SP12: Green infrastructure, landscape and biodiversity  
Policy T1: Assessment of transport matters  
Policy T2: Parking  
Policy HS1: Local Housing Allocations  
Policy HS2: Affordable Housing  
Policy HS3: Housing mix  
Policy HS5: Accessible and adaptable housing  
Policy D1: Sustainable design  
Policy D3: Protecting living conditions  
Policy D4: Air quality  
Policy HC1: Community facilities  
Policy NE1: Strategic green infrastructure  
Policy NE2: Landscape  
Policy NE4: Biodiversity and geological sites  
Policy NE6: New and improved open space  
Policy NE7: Reducing flood risk  
Policy NE8: Sustainable drainage systems  
Policy NE9: Water quality and environment  
Policy NE10: Water conservation and wastewater infrastructure  
Policy NE11: Contaminated land  
Policy HE4: Archaeology

- 2.2 The application site was previously Green Belt. The Local Plan has removed the site from the Green Belt and brought it within the defined settlement boundary of Knebworth.
- 2.3 Policy HS1 indicates that Local Housing Allocations are listed by parish and Settlement as shown on the Policies Map and confirms that residential development and associated infrastructure on these sites will be granted provided that:
- a) Development broadly accords with the indicative number of homes shown;
  - b) Proposals successfully address site specific policy considerations; and
  - c) Unless site specific policy considerations state otherwise, a variety of homes are provided in accordance with the general policy requirements of this plan.
- 2.4 The site is identified in the Local Plan as Local Housing Allocation KB4. Policy KB4 also contains detailed policy criteria for consideration in the determination of any applications for planning permission, which are set out below for ease of reference:

## Policy KB4 – Land east of Knebworth – Dwelling estimate 200 homes

- Transport Assessment to consider the cumulative impacts of sites KB1, KB2 and KB4 upon key junctions and rail crossing points for all users, including walkers and cyclists, and secure necessary mitigation or improvement measures;
- Structural landscaping and planting to provide and/or reinforce Green Belt boundary to east;
- Land north of Watton Road reserved for long-term secondary education needs;
- Integrate Bridleway Knebworth 001 as part of green infrastructure strategy;
- Address existing surface water flood risk issues through SUDS or other appropriate solution;
- Preserve views from Knebworth to wider countryside along dry valley to south of Watton Road; and
- Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery.

### 2.5 **National Planning Policy Framework (NPPF)**

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 13: Protecting Green Belt land

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

Section 15: Conserving and enhancing the natural environment

### 2.6 **Supplementary Planning Documents**

Design SPD (2011)

Planning Obligations SPD (2023)

Vehicle Parking Provision at New Development SPD (2011)

North Hertfordshire and Stevenage Landscape Character Assessment

### 2.7 **Hertfordshire County Council**

Local Transport Plan (LTP4 – adopted May 2018)

Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012)

### 2.8 **Knebworth Neighbourhood Plan**

KBBE1 – Housing Mix

KBBE2 – Sustainable Buildings

KBBE3 – Accessibility and Adaptability

KBBE4 – Design

KBBE5 – Masterplanning and Placemaking

KBBE8 – Site KB4 Land east of Knebworth

KBEF3 – Flooding and Drainage

KBT1 – Sustainable Modes of Travel

- 2.9 **National Planning Practice Guidance**  
Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

### 3.0 **Representations**

#### **Consultees**

- 3.1 **NHDC Environmental Health (Contaminated Land)** – No objection regarding contamination, subject to condition requiring a Phase II Site Investigation environmental risk assessment report to be undertaken and any subsequent phases and remediation, if necessary.
- 3.2 **NHDC Environmental Health (Noise)** – No objection (subject to three conditions including a condition requiring full details of a construction management plan for the development to be submitted to the LPA prior to the commencement of works).
- 3.3 **NHDC Environmental Health (Air Quality)** – No objection subject to three conditions including a condition requiring a Full Travel Plan to be agreed with Hertfordshire County Council and NHDC Planning Department demonstrating the introduction of specific measures to promote and deliver sustainable transport.
- 3.4 **NHDC Waste and Recycling** – No objection subject to conditions requiring suitable waste and collection facilities.
- 3.5 **NHDC Leisure Manager** – No objection.
- 3.6 **NHDC Greenspace Manager** – No objection.
- 3.7 **NHDC Housing Supply Officer** – Based on 200 dwellings overall and a 40% affordable housing requirement, in accordance with the Local Plan, this equates to the provision of 80 affordable dwellings.
- Within the overall 40% affordable housing requirement, a 65%/35% rented/other intermediate tenure split is required in accordance with the Council's Planning Obligations SPD and the 2023 Strategic Housing Market Assessment (SHMA). This, of the 80 affordable units: 52 rented units and 28 intermediate tenure units should be provided to meet housing need.
- 3.8 **NHDC Urban Design Officer** – No objection subject to conditions to secure master planning and design code condition.
- 3.9 **HCC Highways** – No objection subject to conditions.
- 3.10 **HCC Growth and Infrastructure** – No objection subject to financial contributions via a S106 legal agreement towards Primary Education, Secondary Education, Childcare Services, SEND Services (Special Educational Needs and Disabilities), Library Services, Youth Services and Waste Services.
- 3.11 **HCC Lead Local Flood Authority (LLFA)** – No objection subject to six conditions.

- 3.12 **HCC Historic Environment (Archaeology)** – No objection, subject to conditions requiring submission of a Written Scheme of Investigation incorporating a programme of archaeological works. involving a further programme of strip, map and sample excavation. This is required as the proposal is likely to have impacts on heritage assets of archaeological interest.
- 3.13 **HCC Minerals & Waste** – No objection subject to a condition requiring the submission and agreement of a Site Waste Management Plan.
- 3.14 **HCC Public Health** – No objection subject to condition requiring the submission and agreement of a Health Impact Assessment.
- 3.15 **HCC Fire and Rescue Services** – No objection, subject to a s106 obligation for the provision of fire hydrants on site.
- 3.16 **HCC Countryside and Rights of Way Officer** – No objection.
- 3.17 **Environment Agency** – No objection subject to conditions to ensure that the development will not present unacceptable risks to groundwater resources.
- 3.18 **Hertfordshire Ecology** – No objection subject to condition requiring the submission and agreement of a Biodiversity Net Gain Management Plan.
- 3.19 **Herts and Middlesex Wildlife Trust** – Recommendations made requesting conditions to be imposed requiring the submission of a biodiversity net gain plan and for integrated swift boxes and bat boxes to be delivered by the development.
- 3.20 **Natural England** – No objection.
- 3.21 **Historic England** – No objection.
- 3.22 **Active Travel England** – Recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in their response.
- 3.23 **NHS IBC** – No comments.
- 3.24 **Sport England** – Initial objection has been addressed through s106 contributions towards off-site sports pitch and sports facilities expansion and improvements.
- 3.25 **Anglian Water** – No comments.
- 3.26 **Affinity Water** – No objection subject to conditions.
- 3.27 **CPRE Hertfordshire (Campaign to Protect Rural England)** – No comments.

## **Neighbour and Local Resident Representations**

3.28 The application has been advertised via neighbour notification letters, the display of site notices and a press notice. At the time of finalising this report, a total of 195 comments have been received including 186 objections, 3 submissions in support and 6 neutral comments.

3.29 Neighbours objections and concerns are summarised as follows:

- Traffic and Congestion
- Inadequate Masterplan documentation
- Poor design
- Inadequate existing road infrastructure
- Will add more traffic on surrounding roads adding to congestion
- The effect of the closure of Swangleys Lane upon residents in Datchworth
- The effect of the closure of Swangleys Land upon Watton Road and London Road due to increased traffic and congestion
- Inadequate primary school and pre-school provision
- Inadequate existing public transport services
- Capacity of existing local infrastructure, services and facilities
- Lack of existing parking especially in the village centre
- Concerns around the existing capacity of local utilities infrastructure
- Harmful to residential amenity
- Flooding and drainage concerns
- Increased noise, pollution and crime
- Impact of vehicles, tools and machinery associated with the construction phase
- Impact of noise and disturbance during the construction phase
- Loss of Green Belt
- Loss of wildlife
- Loss of agricultural land
- Inadequate primary healthcare provision
- Loss of green space and habitats for wildlife and birds

## **4.0 Planning Considerations**

### **4.1 Site and Surroundings**

4.1.1 The application site is located to the east of the Knebworth. The site covers an area of approximately 14.74 hectares in size and comprises three irregularly shaped field parcels that adjoin the eastern edge of Knebworth.

4.1.2 To the east of the site are open fields which are in the Green Belt. Also, to the east of the site is the Swangleys Farm complex on the southern side of Swangleys Lane and the dwelling known as 'Long Dene' which is accessed from Old Lane. There are residential properties adjacent to the site along large parts of the western boundary.



4.1.3 There are no public footpaths crossing the site. However, there is an informal route used by pedestrians adjacent to the western boundary of the site to travel between Watton Road and Old Lane and to gain access to the existing allotments.

4.1.4 There is an existing vehicular access at the northern end of the site from Watton Road known as Old Lane. Old Lane travels in a southerly direction through the centre of the site and joins up to the western edge of the site with St Martin's Road. Swangleys Lane also passes through the central portion of the site.

## 4.2 **Proposal**

4.2.1 Outline permission is sought with all matters reserved other than means of access, for the erection of up to 200 dwellings (including affordable housing), structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works.

4.2.2 The development area is approximately 7.61 hectares in area. The key elements of the proposed development comprise:

- Up to 200 dwellings, of which 40% will be affordable housing;
- Vehicular access point from Watton Road;
- Reconfigured vehicular access points on Swangleys Lane to facilitate access to the northern and southern parcels of the application site including the closure of Swangleys Lane to vehicles in an easterly direction at the junction of Swangleys Lane and Old Lane;
- Off-site highways works, including improvements to Swangleys Lane outside the school for the benefit of pedestrians and cyclists;
- A network of cycle and pedestrian routes across the site with linkages to existing roads;
- A network of 6.77ha of formal and informal open spaces across the site including play areas, footpath connections, green corridors and allotments; and
- Provision of Sustainable Drainage Systems (SuDS).

4.2.3 The application is accompanied by the following plans and documents:

- Watton Road and Bell Close Junction Active Travel Access Sketch Layout (Drawing Number P24028-SMCE-01-XX-SK-H-0001 P01)
- Pedestrian and Cyclist Provision on Swangleys Lane (Drawing Number P22042-SMCE-ZZ-XX-D-H-0301 P05)
- Proposed Simple Priority T-Junction Watton Road Drawing (Drawing Number P17033-04-10D)
- Illustrative Masterplan
- Land Use Parameter Plan
- Access Parameter Plan
- Vehicular Hierarchy Framework Plan
- Active Travel Framework Plan
- Green Infrastructure Framework Plan
- Building Heights Parameter Plan
- Built Form and Character Framework Plan
- Masterplan Framework
- Design and Access Statement

- Flood Risk Assessment and Outline Drainage Strategy
- LLFA Rebuttal Letter
- Design and Access Statement
- Air Quality Assessment
- Noise Assessment Report
- Arboricultural Assessment
- Ecological Appraisal
- Biodiversity Net Gain Report
- Biodiversity Metric
- Bird Report
- Bat Survey Report
- Landscape and Visual Appraisal
- Statement of Community Involvement
- Socio-Economic Benefits Statement
- Transport Assessment
- Framework Travel Plan
- Heritage and Archaeology Desk Based Assessment
- Phase 1 Environmental Risk Assessment
- Planning and Affordable Housing Statement

4.2.4 This is an outline application with all matters reserved for future consideration, except for the means of access to the site. Therefore, matters relating to appearance (aspects of the building or place that determine its visual impression), landscaping (the treatment of the land to enhance or protect the amenities of the site and the surrounding area (including screening and tree planting), layout (the location, height, width, and length of the proposed buildings, streets and spaces) and scale (the height, width, and length of the proposed buildings), do not form part of this application. These matters would be secured by conditions requiring submission of reserved matters applications in the event of approval. For the avoidance of doubt, where details of these reserved matters are set out in supporting documents and plans, these are illustrative only.

## **5.0 Key Issues**

5.1 The key issues for consideration for this planning application are as follows:

- Principle of the development
- Effect upon the Green Belt
- Loss of Agricultural Land
- Masterplanning and site-specific requirements
- Highway matters
- Landscape and visual impacts
- Heritage and archaeological impacts
- Ecology and Biodiversity
- Tree impacts
- Flood risk and drainage
- Environmental impacts (noise, land contamination and air quality)
- Sustainability

- Impact on residential amenity
- Other Matters
- Planning obligations
- Planning balance and conclusion

## 5.2 Principle of the development

- 5.2.1 The recently updated NPPF sets out the national planning policy position. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, meeting the three overarching objectives (economic, social and environmental) in a mutually supportive way. The application proposals have been formulated and evolved with this objective, of promoting the most effective use of the site to achieve a development that promotes healthy and sustainable life choices.
- 5.2.2 Central to the NPPF is a presumption in favour of sustainable development (paragraph 10), which relates to both plan-making and decision-taking within the context of town planning (paragraph 11). With specific reference to decision-taking (the determination of planning applications), the presumption in favour of sustainable development means “approving development proposals that accord with an up-to-date plan without delay”. Paragraph 11 adds that where policies are considered out-of-date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing a development, or where any adverse impact would ‘significantly or demonstrably outweigh the benefits’ when assessed against the Framework as a whole.
- 5.2.3 Part 5 of the NPPF Delivering a sufficient supply of homes confirms that in achieving the Government’s objective of significantly boosting the supply of homes it is important that a sufficient amount and variety of land can come forward where it is needed, that meets the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. This includes the delivery of affordable housing (paragraphs 63, 64 and 66 refer).
- 5.2.4 There are also a number of strategic local plan policies which are relevant to the proposal. Local Plan Policy SP1 Sustainable Development in North Hertfordshire supports the role of key settlements within the district whilst ensuring the long-term vitality of its smaller villages. The policy supports proposals that deliver an appropriate mix of homes, jobs and facilities of high quality, that respect and improve their surroundings and provide all necessary infrastructure.
- 5.2.5 Local Plan Policy SP2 identifies a significant housing need in the district which is for ‘at Least 13,000 new homes over the plan period. Knebworth is planned to accommodate around 731 new homes.
- 5.2.6 Local Plan Policy SP5 on the Countryside and Green Belt supports the national approach taken to principles for developing in the Green Belt through the NPPF. The supporting text to the policy in the LP provides the background to how and why Green Belt boundaries have been altered through the NHLP. It was considered that relevant circumstances exist ‘to review the boundaries and enable development to meet locally identified needs’.

- 5.2.7 Local Plan Policy SP8 sets out the housing growth targets across the district. The policy acknowledges the requirement to release sufficient land to deliver at least 11,600 net new homes for North Hertfordshire's own needs and the provision of additional land within the Luton Housing Market Area (HMA) for a further 1,950 net new homes. The policy seeks to provide long-term certainty in the five-year housing land supply and to support a range of housing tenures, types and sizes measured against targets.
- 5.2.8 The site is allocated for housing in the North Hertfordshire Local Plan 2011-2031 under Policy HS1 as KB4. Upon the adoption of the North Hertfordshire Local Plan on 8 November 2022, the site was removed from the Green Belt and placed within the settlement of Knebworth. The NPPF confirms that development proposals that accord with an up-to-date development plan should be approved without delay.
- 5.2.9 Under Policy HS1, the site KB4 is allocated for the provision for an estimated 200 homes.

#### Site Allocation KB4

- 5.2.10 As indicated at paragraph 2.4, there are seven site specific criteria that need to be met to comply with this policy and these are considered in detail later in this report.
- 5.2.11 Local Plan Policy HS2 is the over-arching LP policy relating to the provision of affordable housing. On a proposal of this size, 40% affordable housing would be required subject to viability. The policy sets out certain requirements including the size, type and tenure of housing and to safeguard occupation for first and subsequent occupiers. The council's Developer Contributions SPD includes further guidance on matters relating to affordable housing.

#### Housing need and delivery

- 5.2.12 As set out in the Council's most recent Housing Land Supply Update (May 2024), the total requirement for housing delivery in the District from 1 April 2024 – 31 March 2029 is 5,990 dwellings. Currently there is a deficit of 1,359 dwellings over the five-year period of 2024/25 – 2028/29. The Council therefore can only demonstrate a five-year land position of 3.9 years against our adopted housing requirement. This figure falls below the five-year figure as required in the NPPF. Where a five-year supply of deliverable housing sites cannot be demonstrated, Paragraph 11 (d) of the NPPF confirms that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including the housing land supply) and (i) unless there are protected areas or assets of particular importance (i.e. Green Belt and heritage assets) which provide a strong reason for refusing the development proposed or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination – permission should be granted. This matter is considered further in the Planning Balance section at the end of this report.

#### Affordable Housing

- 5.2.13 The supporting documentation confirms that the site will deliver 40% affordable housing as required by LP policy. Within this requirement, a 65% rented (social and affordable) and 35% (discounted market sale housing and other affordable routes to home ownership

including shared ownership, shared equity and rent to buy) intermediate affordable housing tenure split is required, in accordance with the Local Plan and the Council's Developer Contributions SPD, supported by the 2023 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update. Based on the provision of 200 dwellings the affordable housing requirement would be 80 dwellings – 52 rented and 28 intermediate affordable tenure.

- 5.2.14 Within the 65% rented affordable housing element, NHDC's Housing Supply Officer has confirmed the following mix best meets housing needs, as identified in the 2023 SHMA:

Tenure %	Number of housing units
7% x 1 bed flats	4
9% x 2 bed flats	5
22% x 2 bed houses	11
50% x 3 bed houses	26*
10% x 4 bed houses	5
2% x 5+ bed houses	1
Total	52

Table 1: Affordable housing tenure mix (rented)

\*Evidence from the housing register suggests the number of three bed houses recommended in the SHMA is greater than required and there is higher need for two-bedroom family homes and some need for larger (4+ beds) family homes. A reduction in the number of three-bedroom houses and the provision of more two-bedroom houses would therefore be considered favourably.

- 5.2.15 For the 35% affordable home ownership tenure, NHDC's Housing Supply Officer has confirmed the 2023 SHMA shows the following mix best meets housing needs:

Tenure %	Number of housing units
22% x 1 bed flats	6
15% x 2 bed flats	4
43% x 2 bed houses	12
20% x 3 bed houses	6
Total	28

Table 2: Affordable housing tenure mix (intermediate)

- 5.2.16 *Local Plan Policy HS5: Accessible and adaptable housing* requires applicants to demonstrate that at least 50% of homes can be built to the M4(2) Accessible and Adaptable standard; and on schemes where 10 or more affordable units will be delivered, 10% of the units can additionally be built to the M4(3) wheelchair user standard. There is a growing need for larger (3 and 4 bed) M4(3) wheelchair adapted homes for rent, for families with a member with a disability and/ or limited mobility, which should be secured through the Design Code and s106.
- 5.2.17 *Local Plan Policy HS4: Supported, sheltered and older persons housing* is also a relevant policy consideration. There will be a substantial increase in the number of and proportion of older residents in North Hertfordshire over the plan period. Older people are living longer, and government policy seeks to support people living at home for as long as possible. Other groups will also have support needs, including people of all ages with physical or learning disabilities.
- 5.2.18 In accordance with *LP Policy HS3: Housing mix* a modest proportion of sheltered and/ or supported housing should be provided on the site to contribute towards the modelled demand for older persons housing. This should include affordable housing provision where appropriate.
- 5.2.19 The affordable homes should be owned and managed by a registered provider (RP). No RP has been identified for the affordable housing on the site to date. Details of this and other matters would be secured as part of the s106 agreement. The council's Housing Supply Officer has confirmed a preference for Social Rented tenure as the 2023 SHMA Update shows that there is high need for social housing for rent, and this is confirmed by the Council's experience of Affordable Rents being increasingly unaffordable even for smaller one and two bed units. Affordable Rents for 1 and 2 bed homes should be up to 80% of market rents (including service charges, where applicable) and 3 bed homes at up to 70% of market rents (including service charges, where applicable) to ensure affordability. For 4-bedroom and 5-bedroom homes, the Council will only accept Social Rents as evidenced by the 2023 SHMA and all rents must be within LHA caps in accordance with the Council's Developer Contributions SPD and the Council's Tenancy Strategy.
- 5.2.20 Affordable housing should be spread across the site in small clusters rather than be situated on one or two parts of the site and should be physically indistinguishable from the market housing. These matters can be secured as part of the site wide Design Code condition and subsequent Reserved Matters applications.
- 5.2.21 The site is an allocated housing site for approximately 200 homes. Overall, the proposal complies with LP Policies SP1, SP2, SP5 and SP8. Compliance with LP Policy SP9 is considered in a later section of this report. The residential use of this site is appropriate in land use terms, and this weighs substantially in favour of the proposal in the planning balance.

### **5.3 Effect upon the Green Belt**

- 5.3.1 The easternmost parcel of the application site within the red line is proposed to be used as a drainage basin. This part of the site to the east of Old Lane is outside the boundary of the site allocation in the open countryside within the Green Belt. Therefore, it is

necessary to assess the effect of the drainage basin upon the Green Belt and Local Plan Policy SP5 applies which states:

*“We support the principles of the Green Belt and recognise the intrinsic value of the countryside. Green Belt and Rural Areas Beyond the Green Belt are shown on the Policies Map.”*

5.3.2 Part c) of Local Plan Policy SP5 is also relevant and states:

*“We only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated.”*

5.3.3 Policy SP5 is consistent with the approach to Green Belt in National Policy as set out at Section 13 of the National Planning Policy Framework (NPPF). Paragraph 142 of the NPPF confirms the Government attaches great importance to Green Belts, where the fundamental aim of policy is to prevent urban sprawl by keeping land permanently open.

5.3.4 The Green Belt serves five purposes. These are set out at paragraph 143 of the NPPF and are:

- (a) To check the unrestricted sprawl of large built-up areas;
- (b) To prevent neighbouring towns merging into one another;
- (c) To assist in safeguarding the countryside from encroachment;
- (d) To preserve the setting and special character of historic towns; and
- (e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.3.5 Paragraph 152 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.3.6 Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, there are several exceptions to this which are clearly set out in parts a) to g) of Paragraph 154.

5.3.7 Further to the above, Paragraph 155 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

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

- 5.3.8 The applicant has stated that the proposed drainage basin is a key feature of the site's drainage solution, which is based on infiltration. The basin will therefore not be a 'wet' feature, except potentially and temporarily during a flood event. It would also not contain buildings or structures. The basin would be a depression in the ground, that as noted in the Masterplan Framework document (Biodiversity and Landscape Framework Plan) would include a mix of native scrub and species rich semi-natural grassland. Such a feature is already present on land adjacent to the proposed drainage basin location, which serves as a functioning highway drain and equally appears as a depression in the ground surrounded by vegetation. The new drainage basin will also enable the creation of a new biodiverse habitat for local flora and fauna.
- 5.3.9 It is considered that the formation of the drainage basin would be an engineering operation in accordance with part (b) of Paragraph 154 of the NPPF by virtue of it supporting the proposed development, therefore, it would not constitute inappropriate development. As it would be a depression, it would have no effect on the openness of the Green Belt and therefore would not conflict with any of the five purposes for including land within the Green Belt. It is therefore considered that the offsite drainage basin raises no conflict with national Green Belt policy or Local Plan Policy SP5.

#### **5.4 Loss of Agricultural Land**

- 5.4.1 Chapter 15 of the NPPF Conserving and enhancing the natural environment confirms that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing...soils (in a manner commensurate with their statutory status or identified quality in the development plan) and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land (defined as land in Grades 1, 2 and 3a).
- 5.4.2 Paragraph 188 confirms that when allocating land in development plans, there should be a preference to identify land with the least environmental or amenity value, where consistent with other policies in this Framework and in a footnote that 'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.'
- 5.4.3 The Natural England classification maps show the land to the east of Knebworth to fall within the 'Grade 3 – good to moderate' category.
- 5.4.4 In conclusion, the proposal would result in some loss of Best and Most Versatile (BMV) agricultural land in respect of the land associated with the housing allocation (the application site) and the land to the east of the site for the proposed drainage basin. This is considered to be a harm which attracts moderate weight in the planning balance.

#### **5.5 Masterplanning and site-specific requirements**

##### Masterplanning

- 5.5.1 A key policy consideration is Local Plan Policy SP9, which addresses design and sustainability, and in line with the NPPF, requires a strategic masterplan for larger housing applications generally over 100 dwellings. The policy also supports new development where it is well designed and located and responds to its local context.



- 5.5.2 Local Plan Policy SP9 allows for masterplans to be agreed “prior to **or as part of** the grant of planning permission” (emphasis added). A Strategic Masterplan Framework document with supporting framework and parameter plans was submitted with the application in July 2023. Since then, the applicant has worked positively with officers to revise several aspects of the framework and parameter plans and agree a Strategic Masterplan that meets the policy and design requirements of Policy SP9.
- 5.5.3 The latest version of the Masterplan document and supporting plans were submitted in February 2025 and there was a general re-consultation following their submission. The Council’s Principal Urban Design Officer has considered these and confirms that the Masterplan document and supporting framework and parameter plans demonstrate general conformity with Policy SP9.
- 5.5.4 The masterplan document sets out the following:
- A clear and site-specific distinctive vision and place-making objectives based around a landscape-led design.
  - Contextual and character analysis to ensure proposals are in accordance with the National Design Guide and Policy SP9.
  - Understanding of how the site can effectively integrate with the green infrastructure network and walking, cycling and public transport routes and hubs.
  - Understanding of site constraints and opportunities which have informed the masterplan development.
  - Robust set of framework and parameter plans which fix the structure of the masterplan in terms of land use, movement, green infrastructure, biodiversity and landscape and urban design parameters.
  - Design Principles to inform the detailed design and any future reserved matters.
  - Illustrative Masterplan to provide an example of how the site could be developed within the parameters and principles set out in the Strategic Masterplan Framework to achieve design quality and SP9 compliance (detailed layouts will be assessed and determined through reserved matters).
- 5.5.5 Comments on the application by the Council’s Principal Urban Design & Planning Officer are available in Appendix 1 of this report. The Strategic Masterplan Framework meets the following design objectives of Policy SP9:
- i) *Create buildings, spaces and streets which positively reflect and respond to the local landscape, townscape and historic character;*
- 5.5.6 The masterplan has successfully integrated the character of Knebworth to create a contextually responsive development. A comprehensive appraisal of the historic development of the site and surroundings and character study have been undertaken to inform the masterplan and ensure it responds to local character.

Key measures include:

- Delivering a mixture of housing offering 1-5 bedroom properties comprising a range of house types, from terrace/ linked mews cottages to detached properties. The housing mix will include a proportion of affordable housing.

- Creating a series of character streets (Primary Street, Secondary Street and Lanes) that will deliver changes in street design.
- Providing a high-quality built environment and landscape design that incorporates best practice design principles detailed in 'Manual for Streets' and 'Building for a Healthy Life'.
- The creation of feature spaces at key locations within the residential area e.g. through set-backs of buildings, tree planting.
- Establishing a legible environment with a choice of interconnecting, attractive streets and pedestrian routes which provide excellent connectivity across the site and into the surrounding context.
- Incorporating the use of public spaces at key intersections to reinforce legibility and provide focal areas within the layout as a place to meet.
- Dwellings will face onto open spaces to provide active surveillance.
- Equipped children's play areas will be provided that are accessible, overlooked and integrated with existing and proposed green infrastructure.
- Green infrastructure will encompass a network of integrated green spaces with links to the surrounding area.
- Native specimen trees are to be integrated into the design, either by retaining suitable tree or reserving sufficient space for new tree planting, including mature specimen trees where appropriate.
- Creating drainage attenuation features that are designed to provide habitat for wildlife and amenity benefits e.g. attractive, naturalistic design and marginal planting.
- Providing landscape buffer planting along the boundaries of the site to provide a visual mitigation and to help integrate built form with the wider landscape setting.
- Conserving existing landscape and habitat features to deliver an immediate mature landscape setting for the built development, where possible.
- Encouraging the use of sustainable materials and techniques including measures to deliver energy efficiency and water conservation.

5.5.7 These measures will be secured through a combination of the masterplan, the Design Code condition, other conditions and future reserved matters applications.

- ii) *Create integrated, accessible and sustainable transport systems with walking, cycling and public transport designed to be the most attractive forms of transport and effectively linking into the surrounding areas;*
- iii) *provide a clear structure and hierarchy of pedestrian friendly streets and well-connected footpaths and cycleways integrate with the wider built and natural environment and communities;*

5.5.8 The site has good connections via existing footpaths to the rest of Knebworth. The site is less than five minutes' walk to Knebworth Primary School and a safe route to the school will be encouraged by further enhancing the footpath access and linkages directly to the school to encourage walking and cycling. The proposed repurposing of Old Lane to an active travel route will be a strong desire line to the south from the northern and central parts of the site which will also encourage active travel and social interaction.

5.5.9 The site will create a hierarchy of higher and lower order streets that are designed as primary and minor movement routes. This will include a network of well connected, attractive and inclusive street and footpath which will deliver a choice of different

movement routes. Footpath links will be introduced into existing surrounding residential areas and at locations around the perimeter of the development for formal recreational routes. Streets will be designed principally for people, with priorities where possible for pedestrians and cyclists e.g. varied surface treatments and tree planting.

- iv) *Plan for integrated and mixed-use communities with walkable locally accessible community, employment and retail facilities;*

5.5.10 The proposed development is too small to require any community facilities but has been designed to maximise pedestrian connections to surrounding facilities within Knebworth and the wider Rights of Way and cycle network. Enhancing pedestrian access directly from the site to the existing village will support active travel.

- v) *Positively integrate with adjacent rural and urban communities and positively contribute to their character and the way the area functions, including addressing cumulative, cross boundary planning and infrastructure matters;*

5.5.11 The Strategic Masterplan proposes a development that will provide a sensitive eastern extension to Knebworth that reflects the prevailing character of Knebworth. It will strengthen and connect to the wider green infrastructure network.

- vi) *Create an accessible multi-functional green infrastructure network that provides:*
- *A key structuring and functional placemaking feature supporting healthy lifestyles, sport, play and recreation, linking into the wider Green Infrastructure*
  - *A high-quality integrated network to support ecological connectivity, biodiversity net gain, climate adaptation and mitigation linking into the Ecological Network*

5.5.12 The Green Infrastructure Network has been designed to retain and enhance existing site feature and to link these to new green links and spaces within the development providing access to good quality multi-functional green space for residents. The key spaces comprise:

- Two park areas at the northern end of the site incorporating a parkland character with grassland and tree planting, suitable for recreational activities. This will deliver an attractive entrance to the site for pedestrians and cyclists accessing the site from Watton Road. This space will also incorporate the existing trees and hedgerows on Watton Road and a Local Area of Equipped Play (LEAP).
- A park in the south-west corner of the site incorporating a LEAP play area. Existing trees and hedgerows will be retained and enhanced.
- Repurposing of Old Lane into a greenway with access for pedestrian and cycle movements only. Existing trees and hedgerows will be enhanced with additional planting.
- A linear park will be created along the eastern boundary of the site incorporating the structural buffer to the Green Belt. This will provide a space for woodland planting, individual tree planting and species-rich grassland, providing recreational and ecological value.
- A linear green space will follow the alignment of the retained hedgerow and proposed structural buffer planting to the southern boundary. Species-rich grassland and tree and hedgerow planting will enhance and reinforce the existing

trees and hedgerows. A new footpath is proposed along this green space which will provide a connection to other parts of the southern parcel of the site. An area of rough grassland will be retained in the south-eastern extents of the site as an ecological conservation feature with access for maintenance only.

- A new allotment is proposed in the north-east corner of the site adjacent to the existing allotments. The allotment area will be approximately 0.13 hectares in size. A range of plot sizes will be provided with facilities such as accessible pathways, parking, mains water and storage areas. Management arrangements will need to be agreed.

vii) *Ensure the effective use of sustainable urban drainage and sustainable water management;*

5.5.13 Surface water is proposed to be managed on-site and held in an infiltration basin and water will be discharged into the surrounding ditch network at greenfield run-off rates. Conditions have been recommended to agree and secure the full details of the SUDs strategy.

5.5.14 A foul sewer, a storm water drawing and a water main run through part of the site, with a proposed planting easement of 12m for the former and 6m easements for the water mains and water drain.

5.5.15 A maintenance and management plan for the water feature that form the SUDs system will need to be generated and agreed prior to construction in order that good maintenance practices are followed for the lifetime of the development.

viii) *Ensure a hierarchy of linked, high quality and attractive public spaces and public realm that is safe, attractive and supports social interaction for all age groups*

5.5.16 The proposed development incorporates a hierarchy of linked public spaces as described in the masterplan.

5.5.17 The Urban Design Framework sets out a series of place-making principles to support the high-quality design of public space and public realm. These include:

ix) *Design to last with clear stewardship, management and maintenance plans*

5.5.18 The management and maintenance of green spaces, play areas, SUDs and other components of public realm will need to be agreed to support the lifetime of the development and that green space is sustainably managed to a suitable level of quality and condition for all residents. Further discussion on the most appropriate management organisation, financial requirements and community involvement is required.

5.5.19 Other policies relevant to this proposal are set out in Paragraph 2.1 of this report. These may be relevant to key issues raised later in this report. The proposed development has been considered against these policies and the development plan as a whole.

5.5.20 As this site and the proposed development has been through the formal, collaborative masterplanning exercise with extensive negotiations and improvements, it is officers' view that the proposals represent a high standard of urban design, in keeping with its context and which would include high quality green infrastructure and multi-functional green

spaces. As such, it is considered that an effective masterplan has been secured which would comply with Local Plan policy SP9.

#### Site Allocation KB4

5.5.21 The site is identified in the Local Plan as Local Housing Allocation KB4. Policy KB4 also contains detailed policy criteria for consideration in the determination of any applications for planning permission, which are set out below for ease of reference:

Policy KB4 – Land east of Knebworth – 200 homes:

- Transport Assessment to consider the cumulative impacts of sites KB1, KB2 and KB4 upon key junctions and rail crossing points for all users, including walkers and cyclists, and secure necessary mitigation or improvement measures;
- Structural landscaping and planting to provide and/or reinforce Green Belt boundary to east;
- Land north of Watton Road reserved for long-term secondary education needs;
- Integrate Bridleway Knebworth 001 as part of green infrastructure strategy;
- Address existing surface water flood risk issues through SUDS or other appropriate solution;
- Preserve views from Knebworth to wider countryside along dry valley to south of Watton Road; and
- Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery.

5.5.22 The above criteria will be addressed in detail in this report. However, in brief, the application addressed the above in the following way:

- The application is accompanied by a Transport Assessment detailing the proposed access strategy. These matters are addressed later in this report.
- Landscaping is a reserved matter. However, initial details are set out in the Green Infrastructure Framework Plan and the Built Form and Character Framework Plan. A condition has also been recommended specifically in relation to the details of the structural planting along the eastern edge of the site.
- The land to the north of Watton Road remains reserved for long-term secondary education needs. The delivery of this school site is dependent on other factors, such as the delivery of the other two allocated Knebworth housing sites KB1 and KB2.
- A comprehensive internal network of footpaths and cycleways have been designed to link both into the existing road system and provide access to the Recreation Ground, which itself is the linkage point into Bridleway 001 and beyond.
- The application is accompanied by a Flood Risk Assessment and Outline Drainage Strategy. Herts Local Lead Flood Authority (LLFA) have recommended conditions to agree and secure the full details.
- Layout and landscaping are reserved matters. However, the framework and parameter plans show that large open green spaces will be created at the northern end of the site (south of Watton Road)
- Initial drainage strategy details accompany the application submission. Conditions have been recommended to agree and secure the full details of the drainage strategy.

5.5.23 It is considered that the proposal adequately addresses the site-specific criteria of Policy KB4, where appropriate given the outline nature of the site, and the submitted Strategic Masterplan indicates that these matters can be met at reserved matters stage.

5.5.24 In conclusion, the proposal is in general accordance with the Local Plan, including the site-specific allocation Policy KB4 as well as Policy SP9 concerning design and sustainability, and the requirement for Strategic Masterplans.

## 5.6 Highway Matters

5.6.1 *Chapter 9 Promoting sustainable transport* of the NPPF sets out the overarching objectives and considerations to ensure development provide sustainable options for travel i.e. travel by foot, bicycle and public transport. Paragraphs 110, 115 and 116 confirm the following:

- *Paragraph 110 – The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*
- *Paragraph 115 – In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
  - a) *sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
  - b) *safe and suitable access to the site can be achieved for all users;*
  - c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 48; and*
  - d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*
- *Paragraph 116 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.*

5.6.2 *Local Plan Policy SP6: Sustainable transport* confirms that the Council will seek to secure accessibility improvements and promote the use of sustainable transport modes insofar as reasonable and practicable. *Local Plan Policy T1 Assessment of transport matters* and *Policy T2 Parking* are also relevant considerations.

5.6.3 The application is accompanied by a Transport Assessment prepared by Stirling Maynard (dated March 2024). These have identified the anticipated transportation and highways matters associated with the proposed development.

- 5.6.4 In terms of vehicular access to the application, an access is proposed at the northern end of the site. This would facilitate a spine road into the site running from north to south down to the point it meets Swangleys Lane and further south into the southern parcel of the site. It is also proposed to divert the existing Swangleys Lane route into the site via the proposed internal spine road to the new priority junction at the northern end of the site on Watton Road. Access to the existing Swangleys Lane west of this point (the development spine road) would be restricted to pedestrians and cyclists. Further details are provided in the accompanying technical drawings 'Pedestrian and Cyclist Provision on Swangleys Lane' (Drawing Number 0301 P05) and 'Proposed Simple Priority T-Junction Watton Road Drawing' (Drawing Number P17033-04-10D).
- 5.6.5 The applicant is also proposing to improve the Swangleys Lane footways in the vicinity of London Road to the existing Knebworth Primary School vehicle access. Further details are provided in the technical drawing 'Pedestrian Facilities Near Primary School' (Drawing Number P22042-SMCE-ZZ-XX-D-H-0300 P05), which is attached to appendix 1 of the Transport Assessment. HCC Highways consider that with the addition of a 'Copenhagen Style Crossing' across the existing school bell mouth junction in order to promote pedestrian priority that the proposals will establish an effective walking and cycling corridor that will help to unlock the site sustainably in line with the policy requirements of LTP4.
- 5.6.6 The development also proposes an active travel route/crossing at the north-west corner of the site adjacent to the junction of Watton Road and Bell Close. Further details are provided in the accompanying technical drawing 'Watton Road and Bell Close Junction Active Travel Access Sketch Layout' (Drawing Number P24028-SMCE-01-XX-SK-H-0001 P01).
- 5.6.7 HCC Highways have also made further recommendations in order to provide a fully LTP4 compliant site. In this regard, conditions have been recommended as part of the Strand 1 mitigation.
- 5.6.8 In relation to proposed car and cycle parking details, this is an outline application with all matters reserved except for the means of access, therefore, no parking details are provided at this stage. Notwithstanding this, general principles for site wide car parking will be secured via the Design Code condition. Any future reserved matters applications will need to demonstrate that adequate provision is made for car and cycle parking for the relevant uses having regard for the relevant guidance and policies at the time of submission.
- 5.6.9 In terms of walking and cycling (active travel), initial details and design principles have been set out in the relevant masterplan framework and parameter plans including the repurposing of Old Lane to an active travel route which will connect the central and northern parcels of the site to St Martin's Road and Swangleys Lane. These are vital in terms of incorporating the active travel infrastructure required to encourage sustainable methods of transport and successfully connecting the site with the village centre of Knebworth, nearby local facilities and services, and to areas beyond the settlement boundary of Knebworth, particularly to the north and east of the site. Further details will be secured through the Design Code condition, other recommended conditions and future reserved matters submissions.

- 5.6.10 The issue of highway capacity is of great concern to many local residents, and this has been raised in many of the objections received on this proposal. Concerns have been raised about the levels of congestion currently experienced in and around the village centre of Knebworth and how this would be impacted by the introduction of the proposed development. Concerns have also been raised around the closure and diversion of Swangleys Lane into the application site and along the new spine road up to Watton Road. Specifically, concerns have been raised about the knock-on effect this would have in terms of an increase in vehicular traffic on Watton Road, and access and lengthened journey times for road users going to and beyond Swangleys Farm towards Datchworth, and for road users coming from this direction into Knebworth.
- 5.6.11 In terms of the analysis of the submitted Transport Assessment, HCC Highways notes that the traffic analysis presented in the Transport Assessment utilises older TRL Junctions 8 traffic models (ARCADY8 and PICADY8) and examines the junctions in isolation, whilst the newer Junctions 9 and consideration of linked junctions would have been preferable; the basic traffic capacity formulas have remained constant and given that there are no complicated multi lane approaches within Knebworth, HCC Highways are content to proceed with analysis using the presented models.
- 5.6.12 The analysis indicates that the B147 with Swangleys Lane and St. Martin's Road have modest Ratios of Flow to Capacity (RFC's) with plenty of spare capacity and on review of the modelling results HCC Highways accepts this analysis. The Transport Assessment shows slightly more impact on the Watton Road/B197 roundabout in the peak hours, but it is noted that the roundabout is significantly over capacity without the development (maximum RFC's of 1.05 AM and 1.01 PM, without development, rising marginally to 1.08 AM and 1.07 PM. In line with policy it is considered appropriate to mitigate this by encouraging a modal shift (reducing vehicle trips) via the schemes mentioned when considering the sustainable transport access.
- 5.6.13 As previously mentioned, the main vehicle access at the northern end of the site is to be a priority junction onto Watton Road just east of the existing 30/60mph speed limit transition (with the access being located in the 60mph section). The applicant's Transport Assessment, however, presents Monday 05th – Tuesday 13th October 2020 Automatic Traffic Counter (ATCs) that observed 85% speeds of circa 40mph and it is considered the junction can operate safely. However, the applicant's Transport Assessment also proposes to reverse the existing Bell Close Watton Road junction (where Watton Road cedes priority to the Bell Close cul-de-sac. The current arrangement, however, presents an effective gateway feature for the village, which is evidenced by this section of Watton Road seeing no reported road traffic collisions in the last 5 years. Therefore, HCC Highways would insist that the priorities of Bell Close and Watton Road are not reversed which would have the potential to dangerously elevate the observed speeds which would make the proposed junction unacceptable to HCC Highways and the layout must be unchanged as shown in accompanying technical drawing 'Watton Road and Bell Close Junction Active Travel Access Sketch Layout' (Drawing Number P24028-SMCE-01-XX-SK-H-0001 P01).
- 5.6.14 There is also a second vehicle entry to the site via Swangleys Lane east as previously mentioned, however, through traffic entry to Swangleys Lane west of the development spine road would be restricted to pedestrians and cyclists. Whilst as commented previously this establishes the required sustainable transport corridor that will help unlock the site sustainably, it is essential that the vehicle link (spine road) connection to Watton



Road is constructed to adoptable standards prior to the mobility filter being implemented. Further details are provided in recommended condition numbers 40 and 41.

- 5.6.15 The HCC Highways Travel Plan team have reviewed the Framework Travel Plan that supported the original application. Whilst it has not been updated, it was noted it was acceptable at this stage subject to the recommendation of a planning condition for a full Travel Plan at least 3 months prior to the first occupation of the development.
- 5.6.16 HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2). Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.
- 5.6.17 In the first instance HCC Highways would envisage that the agreed junction improvements and travel plan contributions are delivered via a Strand 1 s106 agreement. This includes the support fee for the aforementioned Travel Plan.
- 5.6.18 In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF). This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second strand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.
- 5.6.19 For the development proposal, HCC Highways calculates the Strand 2 contribution at £1,365,200. As mentioned previously this would be allocated to Package 4 of HCC's North Central Growth and Transport Plan (NC GTP, May 2022) - Specific Measure (SM) 93 (B197 sustainable transport corridor) and SM 94 (Improving accessibility from KB1-4 to the Knebworth rail station, etc).
- 5.6.20 Therefore, on the basis of the sustainable access improvements being conditioned, not reversing the road priorities at the current Bell Close/ Watton Road junction, and the £1,365,200 contribution towards improving the greater sustainable network within Knebworth that the development impacts upon HCC Highways recommends approval of the application in respect of highway related matters.
- 5.6.21 In conclusion, this outline planning application seeks to secure the vehicular access arrangements to this site. Conditions are recommended to ensure the proposal is acceptable from a highways perspective and to secure mitigation measures. The applicant has agreed to pay the requested financial contributions. The proposal is considered to be acceptable from a highways perspective, and the absence of harm weighs neutrally in the planning balance.

## 5.7 Landscape and visual impacts

5.7.1 This is a large-scale housing development. Given its nature and scale there will inevitably be impact on the landscape. Within the context, national and development plan policies adopt an approach where development should only be approved where the harm would be outweighed by the benefits of the development.

### 5.7.2 *Landscape character*

Paragraph 187 of the NPPF indicates that the intrinsic character and beauty of the countryside should be recognised. The NPPF does not seek to protect the countryside for its own sake from development, rather it concentrates on seeking to protect valued landscapes. The site does not form part of any designated landscape.

5.7.3 The NPPF does not define what is a valued landscape, albeit most landscapes are valued in one form or another, but case law demonstrates that value lies in it being considered more than just open countryside. North Herts Local Plan Policy NE2 confirms that planning permission will be granted for development proposals that respect the sensitivities of the relevant landscape character, do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation measures necessary to achieve this, ensure the health and future retention of important landscape features and have considered the long-term management and maintenance of any existing and proposed landscaping.

### *Landscape character assessment*

5.7.4 The application site is located in the northernmost end of National Character Area (NCA) 111 for the Northern Thames Basin. NCA111 is a large area extending from Hertfordshire in the west, to the Essex coast in the east. It is separated from the North Sea and Thames Estuary by the narrow Greater Thames Estuary (NCA81). This NCA contains the suburbs of North London and historic towns and cities including St. Albans and Colchester. It also includes new and planned towns such as Welwyn Garden City, Hatfield and Basildon. NCA111 is described as '*rich in geology, archaeology and history. Its diverse landscapes included wooded plateaux and river valleys in Hertfordshire, and open and largely arable areas in the Essex heathlands*'.

5.7.5 The Council published the North Herts Landscape Study as part of the Local Development Framework in 2011 which is based on the Hertfordshire Landscape Character Assessment and subsequent sensitivity and capacity work. The site is within Region 5 The Central River Valleys, and detailed LCA 37 Datchworth Settled Slopes area. The key characteristics of the Datchworth Settled Slopes LCA are listed as: '*large scale open arable farmland; parkland in the north; edges of Knebworth settlement; and prominent in the landscape*'.

5.7.6 The built development guidelines for the character area LCA 37 include:

- *Strict control of development around the setting of Old Knebworth and Knebworth Park is a priority;*
- *Encourage the use of woodland planting to screen new development and to provide ecological diversity;*

- *Ensure that any new development of the edge of Stevenage is well contained by vegetation to improve the extent of visual intrusion from the major urban area into the Character Area;*
- *Ensure that new development does not lead to coalescence of the settlements of Stevenage and Knebworth;*
- *Ensure that new development does not necessitate the removal of existing woodland blocks of hedgerows;*
- *Ensure that lighting associated with new development does not create additional urbanising influences on the Character Area through carefully designed earthworks and planting schemes; and*
- *Use the opportunity of any new developments to create new accessible green infrastructure for the local population.*

*Review of the submitted Landscape and Visual Appraisal (LVA)*

- 5.7.7 The application is accompanied by a Landscape and Visual Appraisal document produced by FPCR Environment and Design Ltd, which identifies the landscape and visual effects of the proposed development. In applying a standard methodology and professional judgement, the LVIA sets out conclusions.
- 5.7.8 The LVIA identifies the sensitivity/value of landscape elements, landscape character and visual receptors, the magnitude of impact on each of these assessed, and then the significance of these impacts were evaluated. The LVIA also undertakes an assessment of visual and landscape effects during the construction phase, and operational phase.
- 5.7.9 The identified residual effects and conclusion in the LVIA indicate that there would be moderate adverse effect upon the immediate landscape and its setting. In time, as the proposed green infrastructure establishes, this may reduce to moderate/minor adverse as new landscape elements are introduced, and the new publicly accessible footpaths and cycle paths are created, connecting with existing rights of way.
- 5.7.10 In terms of the visual effect, the report concludes that during construction, adverse effects on visual amenity will occur due to the construction of roads, houses and attenuation features. This level of effect is judged to be no worse than the effect upon completion. Following completion, the effects on visual amenity will reduce over time, because of proposed planting and areas of green infrastructure, helping the built development assimilate more readily with its surrounding, and filtering view from nearby receptors.
- 5.7.11 Initial mitigation details are set out in the Masterplan Framework document, the Green Infrastructure Framework Plan, the Built Form and Character Framework Plan, the Design & Access Statement, the LVA and supporting drainage and ecology reports. Together, these documents are considered positive steps toward addressing potential visual and landscape impacts. The documents express a broadly landscape-led approach and demonstrate an intention to deliver a high-quality and multifunctional green infrastructure network.
- 5.7.12 The Green Infrastructure Plan divides the GI network into a series of clearly defined spaces. The GI areas are configured around the edges of the three residential parcels, with structural green buffers proposed to the east and south. These green edges are particularly important given the site's location adjacent to the Green Belt, and the potential adverse impact on the wider rural landscape and visual impacts from PROWs and rural

lanes. Their treatment is a critical part of achieving a sensitive urban-rural transition and have been conditioned accordingly.

- 5.7.13 Conditions have been recommended to ensure the future implementation of a comprehensive Green Infrastructure network which include a Design Code condition, an advanced planting condition, a Landscaping Ecological Management Plan (LEMP) condition, and a soft landscaping provision condition.

*Conclusion on the impact on wider landscape and visual setting*

- 5.7.14 In conclusion, it is considered that the proposal would inevitably have some adverse landscape and visual impacts. However, through a combination of topography, existing screening, and the provision of landscaping, it is considered that the adverse effect would be localised and limited as far as possible. Mitigation planting measures can be secured by conditions, and such measures would be beneficial to the landscape and biodiversity. Therefore, there would be some conflict with Local Plan policies. Overall, therefore, it is considered that the identified visual and landscape harm should be attributed moderate weight in the planning balance.

## **5.8 Heritage and archaeological impacts**

- 5.8.1 The application submission is accompanied by a Heritage & Archaeology Desk-Based Assessment prepared by CSA Environmental, that identify the designated heritage assets, potential archaeological interest within the site and the significance of these assets.

*Heritage*

- 5.8.2 The site is not subject to any local or national designations. Designations within the local area include Deards End Lane Conservation Area at the north-west end of Knebworth, Stockens Green Conservation Area to the south-west, and Old Knebworth Conservation Area to the west of Knebworth village. None of these areas are in immediate proximity to the site. It is therefore considered there is no intervisibility between these designated areas and the site.
- 5.8.3 The nearest listed building to the site is the Grade II\* listed Church of St. Martin which is located around 180m from the western boundary of the site. It is considered that the current agricultural land within the application site does not contribute to the significance of the church and views to/from the site do not contribute to the architectural interest of the church. On this basis, it is considered that the development proposal would not adversely impact the significance of the Grade II\* listed Church of St. Martin.
- 5.8.4 In accordance with the NPPF and North Herts Local Plan policies, the proposal is considered to be compliant regarding the impact on heritage assets. Therefore, this matter weights neutral in the planning balance.

*Archaeology*

- 5.8.5 North Herts Local Plan Policy HE4 on Archaeology states that permission for development proposals affecting heritage assets with archaeological interest will be granted provided that: a. developers submit an appropriate desk-based assessment and, where justified, an archaeological field evaluation. Policy HE4 as modified also states that '*Areas of as yet, unknown archaeology may be identified during research, or through the planning or plan making process. These sites or areas should be treated in the same way as archaeology areas and areas of archaeological significance*'. The NPPF paragraph 212

*sets out the same approach to sites of archaeological significance as other heritage assets, in that 'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)'. Paragraph 216 also requires 'in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

- 5.8.6 The site has been subject of a desk-based assessment which has identified previous archaeological works within the site including a watching brief on a gas pipeline in 1991, which recorded a single prehistoric struck flint, and a geophysical survey across the majority of the site in 2017 which did not identify any anomalies of probable archaeological interest. Prehistoric and Roman period activity is recorded in the study area, but there is no current evidence to indicate any significant remains are present within the site.
- 5.8.7 HCC Historic Environment have confirmed they do not object to the proposal and consider the impact of the proposed development can be adequately addressed by planning conditions. This would require the submission and agreement of an Archaeological Written Scheme of Investigation which would also require a new geophysical survey to be submitted and for the scope of works relating to an archaeological trial trench evaluation of the site to be agreed.
- 5.8.8 In conclusion, the proposal has the potential for archaeological remains. A WSI and associated reports would address this matter. Subject to conditions, there are no objections to the proposals on archaeological grounds. This matter weights neutral in the planning balance.

## **5.9 Ecology and Biodiversity**

- 5.9.1 *Chapter 15 Conserving and enhancing the natural environment of the NPPF requires decisions to contribute to and enhance the natural environment. Local Plan policies SP1 – Sustainable development in North Hertfordshire, SP12 – Green infrastructure, biodiversity and landscape, NE4 – Biodiversity and geological sites and NE6 – Designated biodiversity and geological sites and NE8 Sustainable drainage systems seek to protect, enhance and manage the natural environment.*
- 5.9.2 The 2021 Environment Act introduced an automatic requirement for every planning permission granted to achieve a 10% Biodiversity Net Gain (BNG). The current application was submitted in July 2023 which was prior to the mandatory BNG requirements being enacted in February 2024. However, the application includes a BNG assessment. This is considered below.
- 5.9.3 The associated features of the land, such as hedgerows are likely to contain at least some features of biodiversity interest and value and are sought to be retained and incorporated into the masterplan as far as possible. An Ecological Appraisal, Bat Survey report, Bird report, together with a Biodiversity Metric and a Biodiversity Net Gain report which demonstrates that the site would result in a measurable net gain in biodiversity, compared to the current situation
- 5.9.4 Whilst the proposals would result in the loss of agricultural fields, these score relatively low, in terms of biodiversity and habitats. The proposals would also result in some loss of existing hedgerows most notably to accommodate new internal road infrastructure. The

results of the Biodiversity Metric calculation show that overall, the development is capable of achieving an on-site net gain in habitat units of 15.17%, and an on-site net gain in hedgerow units of 81.13%. This will be through:

- Establishment of informal grassland areas;
- Significant areas of buffer planting along some of the site boundaries;
- Areas of scattered scrub habitat within the southern area of public open space;
- Proposed allotment in the north-west corner of the site;
- Planting of 326 urban trees across the site;
- Introduction of dry SUDs feature to the east of the site which will support a mix of other neutral grassland and scrub;
- Creation of new native hedgerows along several of the site boundaries; and
- Planting of ornamental non-native hedgerows in residential areas.

5.9.5 The retention and creation of new on-site habitat will enhance the existing ecological network by strengthening wildlife corridors and habitats to improve habitat functionality and connectivity.

5.9.6 Officers consider that there would not be any harm to biodiversity and ecology. In addition, in order to seek to ensure the delivery and longer-term viability of the on-site mitigation (landscaping, natural grasslands etc), a suitable planning condition would also require the management and maintenance of these features.

5.9.7 Overall, it is considered there are no ecological impacts arising from the proposals that cannot be mitigated. Further details of mitigation measures can be secured by conditions. In relation to on-site biodiversity net gain (BNG), the proposal will secure an on-site net gain in habitat units of 15.17%, and an on-site net gain in hedgerow units of 81.13%. This will far exceed the minimum requirement for this application across the site. As this also exceeds the 10% on-site net gain statutory requirement, which is not mandatory in this instance, it is considered a moderate benefit in the planning balance.

## 5.10 Tree Impacts

5.10.1 *Chapter 15 of the NPPF – Conserving and enhancing the natural environment* – confirms that proposals should protect and enhance the natural environment. *Local Plan Policy SP1: Sustainable development in North Hertfordshire* seeks to protect key elements of North Hertfordshire's environment. *Local Plan Policy NE2 Landscape* seeks to ensure the health and future retention of important landscape features and their long-term management and maintenance.

5.10.2 The site contains some areas of existing trees and hedgerows throughout the site, most notably trees at the northern end of the site along Watton Road, and hedgerows along Old Lane, St. Martins Road, Swangleys Lane, and along the boundary perimeter of the southern parcel of the site. The application is supported by an Arboricultural Assessment prepared by FPCR Environment and Design Ltd. This sets out tree constraints, impacts and preliminary mitigation measures arising from the development. It identifies that some small sections of hedgerow on Old Lane, Swangleys Lane and in the southern parcel of the site are proposed to be removed to facilitate internal access infrastructure for the development. The report also confirms no trees are proposed to be removed.

5.10.3 Conditions to secure appropriate Tree Protection Plans, Arboricultural Method Statements and other relevant tree impact related information are both necessary and reasonable. This information will need to adhere to the recognised standard BS 5837: Trees in Relation to Construction.

5.10.4 Some low-quality trees and hedges will need to be removed to facilitate the new access into the site. Other minor tree impacts can be appropriately managed by way of condition at the appropriate phase. This matter weighs neutral in the planning balance.

## **5.11 Flood Risk and Drainage**

5.11.1 National policy on issues relating to flooding is set out in the NPPF at paragraphs 170 to 182. This emphasises the importance of considering the potential for flooding for new developments, particularly in areas identified at high risk. It also requires the consideration of incorporating sustainable drainage solutions where necessary and appropriate.

5.11.2 *Local Plan Policies SP11, D1, NE7 and NE8* collectively seek to ensure that development does not result in unacceptable flood risk, prioritises the development of land at low risk from flooding and the use of sustainable drainage systems (SuDS).

5.11.3 The site lies within flood risk zone 1, where there is a low probability of flooding. However, given the size of the application site and that residential development is proposed, the application is accompanied by a Flood Risk Assessment (FRA).

5.11.4 Since the submission of this application in July 2023, Herts Local Lead Flood Authority (LLFA) have maintained an objection to the development proposal. The applicant has worked proactively with the LLFA to address the issues and concerns raised and this culminated with the submission of a new Flood Risk Assessment & Outline Drainage Strategy document in December 2024 and a subsequent Rebuttal letter in February 2025, both prepared by Enzygo Environmental Consultants.

5.11.5 The FRA includes an assessment of flood risk from all sources based on walkover observations, a desktop study of available online mapping, consultation with the water regulators, and consultation with Affinity Water who own the adjacent pumping station asset. The FRA also includes an outline surface water and foul drainage strategy.

5.11.6 In terms of surface water, an interception swale is proposed around the eastern boundary, which would intercept off-site runoff and reconnect into the west to east flow pathway downstream. The surface water drainage strategy would intercept onsite run-off from the development and infiltrate to the ground, thereby reducing the catchment contribution to the west to east flow pathway. An easement would also be provided adjacent to the Affinity Water pumping station which would allow for potential future flood protection works.

5.11.7 In terms of the foul drainage strategy, foul flows would discharge to the nearby public sewer via a gravity connection for most of the site. Mitigation measures have also been recommended to protect the Source Protection Zone/Principal Aquifer.

5.11.8 The LLFA withdrew their objection on 25 March 2025 subject to conditions being attached to any consent if the application is approved. Affinity Water and the Environment Agency have also both recommended flood and drainage related conditions.

- 5.11.9 One matter raised by the LLFA in their latest consultation response was an advisory note to the Local Planning Authority, to ensure that this application passes the sequential test, especially for surface water flooding. In response, the Council's Strategic Planning team has produced a site-specific flood risk sequential test consideration supporting note to set out the Council's formal position on this matter. The supporting note concludes the following:

*"The issues of reasonable alternatives and mitigations (in terms of flood risk and other constraints) were comprehensively considered through the Strategic Flood Risk Assessment and the Plan making process which demonstrated that there are no meaningful 'reasonable alternatives' to the allocated sites.*

*The Council has applied the sequential test in accordance with NPPF and PPG requirements by assessing all potential SHLAA sites and the various constraints (Green Belt, environmental, heritage and flood risk). The housing background paper established that there is an acute OAN and the District is severely constrained by the Green Belt.*

*Whilst the majority of sites are within fluvial Flood Zone 1, most of the sites have potential surface water flood risk (according to the SFRA and the EA's mapping data). The NHLP seeks to address this issue by through Plan policies seeking SuDS, sustainable drainage strategies and site specific FRAs.*

*The PPG states that applicants do not "need to do a sequential test if one has already been carried out for a development of the type you're planning (e.g. a residential development) for the site. Adding that, in such cases applicants need to ask their LPA for the site allocation reference in their Local Plan and include that in their planning application.*

*In conclusion, it is considered that the approach taken by NHC is appropriate and in accordance with the requirements. Further sequential approaches to design and layout will be part of the masterplanning process for strategic sites allocated in the Local Plan and NHDC will continue working with the LLFA on any unforeseen issues that may arise.*

*In view of the above, the Council (as the LPA) considers that further sequential testing is not required either in overall terms or on a site-by-site basis."*

- 5.11.10 A full copy of the supporting note is attached to this report at appendix 2.

- 5.11.11 In summary, it is concluded there would no harm arising to matters relating to flood risk and drainage, and this matter weighs neutral in the planning balance.

## **5.12 Environmental Impacts**

- 5.12.1 *Chapter 15 Conserving and enhancing the natural environment* of the NPPF requires decisions to contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should also seek to improve local environmental conditions such as air and water quality (paragraph 187). *Local Plan Policy D3 Protecting Living Conditions* confirms that new development should protect residential amenity for existing



local residents. *Local Plan Policy D4 Air Quality* requires developments to consider air quality impacts arising from development, carry out assessments and identify mitigation measures where necessary.

#### Noise

- 5.12.2 The application is accompanied by a Noise Assessment Report prepared by Wardell Armstrong (dated June 2023). The assessment considers the site suitability in terms of noise impacts from existing sources and has been informed by previous noise survey data previously obtained in 2017, 2018 and 2021.
- 5.12.3 The report confirms that the development will require mitigation in the form of acoustic glazing and ventilation for some plots located closest to existing and proposed roads and it is advised that careful design of the proposed development is considered during the detailed design stages to ensure the most affected facades of proposed dwellings are screened where possible, with bedrooms and living rooms located on lesser impacted facades. In respect of industrial noise from Swangleys Farm, noise mitigation will be required in the form of a 4.0m high acoustic barrier around the southern and western boundaries of the farm. A noise mitigation scheme condition has been recommended to address all the above matters.
- 5.12.4 In respect of the construction phase of the development, the report confirms that enabling and construction works are likely to be restricted to daytime hours between 8am to 5pm on Mondays to Fridays, 9am to 12pm on Saturdays, with no work on Sundays and Bank Holidays. These hours would be in accordance with expectations of the Council's Environmental Health Protection team. This and other noise mitigation measures for managing noise during the construction phase can be secured through a Construction Environmental Management Plan (CEMP) condition.

#### Land Contamination

- 5.12.5 The application is accompanied by a 'Phase 1 Geoenvironmental Assessment (Desk Study)' prepared by Lees Roxburgh Consulting Engineers. The Council's Environmental Health Officer confirmed they did not object to the application with respects to contamination on land. However, given the report recommends that given the sensitive nature of the proposed use (residential), and the potentially contaminative former use of the site (agricultural), intrusive investigation should be undertaken at this site. A condition has therefore been recommended relating to a Phase II environmental risk assessment being undertaken and appropriate remediation if required undertaken, all pre-commencement of development.

#### Air Quality

- 5.12.6 Paragraph 110 of the NPPF states that *'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health'*. NPPF paragraph 199 (under section 'Ground conditions and pollution') states that *'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality*

*Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement’.*

- 5.12.7 The application is accompanied by an Air Quality Assessment prepared by Wardell Armstrong (dated May 2023). The report confirms there are up to 100 receptors within 50m of dust generating activities from the proposed construction. There is no proposed demolition. The conclusion of the dust assessment is medium risk from Earthworks and Construction, and Low Risk from dust soling, and human health effects from all activities. For the operation phase, there are predicted to be negligible impacts from air pollution (nitrogen dioxide and particulate matter).
- 5.12.8 NHDC’s Environmental Health Officer has confirmed that air quality mitigation measures will be necessary for both the construction and operational stages of the development. Air quality impacts can be suitably controlled and mitigated through a Construction Environmental Management Plan (CEMP) which can be secured by condition. In relation to operational impacts, the main forms of mitigation would include electric vehicle charging points for dwellings, together with a site wide Travel Plan to encourage travelling by non-car modes. These matters are considered elsewhere in this report and will be secured by conditions.

*Conclusion on environmental impacts*

- 5.12.9 The supporting documentation confirms that there are likely to be minimal impacts in relation to air quality and noise pollution. Any impacts can be reasonably mitigated through conditions. Further investigative work is required in relation to contaminated land, and this can also be secured via condition. Given the foregoing, there is not considered to be any harmful environmental impacts arising. This matter weighs neutrally in the planning balance.

**5.13 Sustainability**

- 5.13.1 Chapter 2 of the NPPF Achieving sustainable development requires the sustainability credentials of proposals to be considered. Paragraph 8 requires that all three objectives – *economic, social and environmental* – of the planning system would be met. Chapter 14 Meeting the challenge of climate change, flooding and coastal change confirms that the planning system should support the transition to a low carbon future in a changing climate.
- 5.13.2 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 2030. The Council has adopted a Climate Change Strategy to promote carbon neutral policies. *LP Policy SP1: Sustainable development in North Hertfordshire is an overarching policy whereas LP Policy SP11 Natural resources and sustainability* gives broad support for proposals for renewable and low carbon energy development in appropriate locations.
- 5.13.3 Local Plan *Policy DE1 Sustainable Design* requires developments to consider a number of criteria including the need to reduce energy consumption and waste. *LP Policy NE12 Renewable and low carbon energy development* supports the principle of renewable energy subject to a technical impacts being satisfied. Local Plan *Policy SP9* relates to Design and Sustainability and seeks the inclusion of a broad range of sustainability measures in developments.

5.13.4 This planning application was submitted in July 2023, and therefore pre-dates the adoption of the Council's Sustainability Supplementary Planning Document (September 2024), which requires a major development of this size and scale to be accompanied by an appropriate Energy and/or Sustainability Statement. The application is not supported by any such statement(s). Notwithstanding this, a series of guiding principles for sustainable design and construction have been set out in the Design & Access Statement. This includes the provision of EV charging points, using recycled construction materials and aggregates, and controlling water demand through methods such as low flow showers and baths, and rainwater harvesting. In addition, a condition has been recommended for a site-wide energy and sustainability strategy to address matters relating to renewable energy, reducing carbon emissions and water conservation for the proposed development.

#### 5.14 **Impact upon residential amenity**

5.14.1 In terms of matters that relate to the effect upon the living conditions of occupiers of neighbouring dwellings, such as loss of outlook, privacy, daylight and sunlight, these matters will be considered at the reserved matters stage, when approval of scale and layout will be sought. However, considering the existing vegetation, and the proposed enhancements, there is no reason to believe that the effect upon the residential amenities of occupiers of nearby residential properties would not be able to be satisfactorily addressed. Therefore, it is considered that the proposal would comply with Local Plan Policy D3, which permits proposals that do not cause unacceptable harm to living conditions.

#### 5.15 **Other Matters**

##### Health Impact Assessment

5.15.1 HCC's Public Health Healthy Places Officer has recommended in their consultation response that given the scale of the proposed development, Public Health will require the developer to undertake a Health Impact Assessment to assess the potential positive and negative health impacts of this development. The response also comments on ten specific subject areas in relation to the development proposal.

5.15.2 Although a condition can be recommended requiring the applicant to submit a Health Impact Assessment, it is considered that this would be overly excessive in this instance. The reasons below demonstrate how the ten subject areas have either been considered or addressed as part of the current outline application submission:

- **Air quality** – The application is accompanied by an Air Quality Assessment report. This matter is fully addressed in the relevant section of this report. Conditions have also been recommended for a Construction Environmental Management Plan (CEMP) and a noise mitigation scheme.
- **Indoor air quality** – The application is accompanied by a Noise Impact Assessment report. A condition has been recommended for a noise mitigation scheme. The final site layout of the proposed development as well as the design, appearance and internal layout of the proposed dwellings are reserved matters and would be fully assessed at that stage.
- **Creating access for all** – Details have been set out in the masterplan framework and parameter plans detailing the main active travel routes within and beyond the

application site. Measures to cater for the needs to the ageing population and individuals with physical disability and limiting illnesses can be incorporated into the scheme. The final site layout would be assessed at the reserved matters stage. In addition, a hard landscaping and boundary treatment provision condition has been recommended.

- **Adoption of active travel behaviours from the new occupants** – The Highways Authority have assessed the current application and confirmed the proposed access strategy is acceptable. NHDC officers have also worked collaboratively with the applicant on the masterplan framework and parameter plans to formulate an active travel strategy for the site to encourage sustainable modes of transport amongst residents. The details would be finalised through the Design Code and any subsequent reserved matters submissions.
- **Active Design** – In addition to the on-site active travel strategy, the development proposes the introduction of several multi-functional green spaces and play spaces throughout the site for leisure and recreation purposes. Sports England have also sought financial contributions for infrastructure in relation to sports pitches, changing rooms, sports halls and swimming pools which the applicant has agreed to.
- **Contributions towards modal shift and active recreation** – Financial contributions have been sought towards a Travel Plan, a Travel Plan co-ordinator, a car club scheme and cycle vouchers. The applicant has agreed to all these contributions.
- **Charging points for electric vehicles** – A condition has been recommended requiring the installation of an EV charging point for each dwelling.
- **Car Club** – A contribution of £38,610 has been sought towards setting up a car club scheme. This has been agreed to by the applicant.
- **Safe crossing points beyond site perimeter** – The Highways Authority have assessed the current application and confirmed the proposed access strategy is acceptable. The proposed development includes measures to improve infrastructure beyond the application and promote better highway safety for pedestrians through the closure of Swangleys Lane and upgrades outside Knebworth Primary School and on Watton Road by Bell Close.

## 5.16 Planning Obligations

5.16.1 In considering Planning Obligations in relation to this development, the Framework advises that:

*“Planning obligations should only be sought where they meet all of the following tests:*

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

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

5.16.3 The section below outlines the Heads of Terms and financial contributions sought by statutory bodies.

5.16.4 The applicant has agreed to the following obligations and a draft S106 Legal Agreement is well progressed. It is recommended that should Members accept this recommendation and resolve to grant outline planning permission, this should be subject to the completion of the S106 Agreement, with the following obligations:

<b>Element</b>	<b>Details and Justification</b>	<b>Justification</b>
Affordable Housing	Based on 200 units, on site provision of 40% (approx. 80 units) which should be 65% rented tenure (approx. 52 units) and 35% intermediate tenure (approx. 28 units)	NHDC Developer Contributions Supplementary Planning Document (SPD) Feb 2023  Policy HS2 of the Local Plan.
Nursery Education	Included within the Primary Education contribution.	
Primary Education (HCC)	£2,478,515 (which includes land costs of £41,241) index linked to BCIS 1Q2022.	Towards new primary school provision in Knebworth and/or provision serving the development.
Secondary Education	£2,386,053 (which includes land costs of £55,433) index linked to BCIS 1Q2022.	Towards the delivery of new secondary school provision in Stevenage and/or provision serving the development.
Childcare Service 0-2 years	£165,001 index linked to BCIS 1Q2022.	Towards childcare facilities in the vicinity of the development and/or provision serving the development.
Childcare Service 5-11 years	£2,685 index linked to BCIS 1Q2022.	Towards provision at the new primary school and/or provision serving the development
Special Educational Needs and Disabilities (SEND)	£247,934 index linked to BCIS 1Q2022.	Towards the delivery of new Severe Learning Difficulty (SLD) special school places (EAST) for pupils ages 2 to 19 years

		old and/or provision serving the development.
Youth Service	£67,506 index linked to BCIS 1Q2022.	Towards the delivery of a new young people's centre serving Stevenage and the surrounding area and/or provision serving the development.
Library Services	£47,008 index linked to BCIS 1Q2022.	Towards increasing the capacity of Knebworth Library and/or provision serving the development.
Waste Service Recycling Centre	£19,388 index linked to BCIS 1Q2022.	Towards increasing capacity at Stevenage Recycling Centre and/or provision serving the development.
Waste Service Transfer Station	£34,344 index linked to BCIS 3Q2022.	Towards the new Northern Transfer Station and/or provision serving the development.
HCC Highways – Sustainable Transport Contributions	<p>Strand 1 – Travel pack contribution of £100 per house and £50 per flat. An evaluation and support fee £1,200 per annum. Overall sum of £6,000 and index-linked RPI March 2014.</p> <p>Strand 2 – Contribution of £1,365,200 to be allocated towards Package 4 of HCC's North Central Growth and Transport Plan (NC GTP, May 2022) – Specific Measure (SM) 93 (B197 sustainable transport corridor) and SM 94 (Improving accessibility from KB1-4 to the Knebworth rail station etc).</p>	<p>Policy SP7</p> <p>Policy SP17</p> <p>Policy D1</p> <p>Developer Contributions SPD</p> <p>HCC LTP4</p> <p>HCC 'Guide to Developer Infrastructure Contributions' 2022</p>
Air Quality (NHDC Environmental Protection)	The following has been requested by NHDC's Environmental Protection team to address Local Plan policy	NHDC Air Quality Planning Guidance Document (2018)

	<p>requirements in relation to air quality:</p> <p>£38,610 towards Car Club/Car Hire Scheme</p> <p>£15,000 towards cycle vouchers</p> <p>£37,500 towards Travel plan co-ordinator</p>	LP Policy D4
Knebworth Parish Council	£100,000 contribution towards sports pitches (can be covered by Sports England sports pitches contribution – see below)	<p>Developer Contributions SPD (2023)</p> <p>Policy SP10</p> <p>Policy NE6</p> <p>North Herts Playing Pitch Strategy (2018)</p> <p>Indoor Sports Facility Strategy (2018)</p>
Sports Contributions (Sport England)	<p>£131,092 capital costs of providing sports pitches. No specific projects have been identified by Sports England at this stage. Knebworth Parish Council have requested a contribution of £100,000 towards sports pitches</p> <p>£194,309 capital costs of providing changing rooms</p> <p>£97,549 towards sports halls</p> <p>£108,307 towards swimming pools (no specific projects identified – agreed with applicant that this can be allocated to Leisure Contribution projects listed below)</p>	<p>Developer Contributions SPD (2023)</p> <p>Policy SP10</p> <p>Policy NE6</p> <p>North Herts Playing Pitch Strategy (2018)</p> <p>Indoor Sports Facility Strategy (2018)</p>
Leisure Contributions (NHDC)	<p>£108,307 towards the following projects at Hitchin Swim Centre:</p> <ul style="list-style-type: none"> <li>• Toilet refurbishment</li> <li>• Boiler refurbishment</li> <li>• Change village refurbishment</li> </ul>	

HCC Monitoring Fees	£340 for each distinct trigger point.	
NHDC Monitoring fees	2% of NHDC contributions capped at £25,000.	

Table 3: Heads of Terms for S106 Agreement

5.16.5 It is of note that on 25 June 2025, Herts Growth and Infrastructure Unit provided an updated consultation response with revised figures for the financial contributions being sought. The updated response considers Herts County Council's updated guidance on Developer Infrastructure Contributions. The updated figures also take into consideration an update of indexation base costs from 2022 to 2024; an update of population and service user yields to reflect Census 2021 data; and a further refinement of pupil yield projections to align with recent observations from the Pupil Yield Study and Census 2021 data. A copy of the response letter and updated figures is attached to appendix 3 of this report. As of the date of the publication of this report, the applicant has not yet agreed to the updated figures.

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

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

## 5.17 Planning Balance and Conclusion

5.17.1 This site is allocated for residential development in the adopted Local Plan. The proposal meets the site-specific criteria for Site KB4, and the proposal is in general conformity with Policy SP9. It is considered that the application is acceptable in principle.

5.17.2 The proposal would deliver up to 200 dwellings (including 40% affordable housing) as part of the local plan housing allocation. The proposal would boost the supply of housing in a sustainable location with access to services and facilities in Knebworth. It is considered that this is a **benefit** to which **substantial** weight should be attributed.

5.17.3 The proposal will provide an above 10% biodiversity net gain (BNG) improvement across the site. As this is not a mandatory requirement, it is a **benefit** to which **moderate** weight should be attributed.

5.17.4 In terms of matters relating to masterplan compliance, heritage, archaeology, highways and transport, flooding and drainage, tree impacts, and environmental impacts, it is considered that each of these elements of the development proposal would have a **neutral**



effect in terms of the planning balance. Suitable conditions have also been recommended in respect of each subject area.

- 5.17.5 The proposal would result in some loss of Best and Most Versatile (BMV) agricultural land. This is considered a **harm** which attracts **moderate** weight in the planning balance.
- 5.17.6 It is considered that the proposal would have some adverse landscape and visual impacts. However, mitigation planting measures can be secured by conditions, and such measures would be beneficial to the landscape and biodiversity. Overall, it is considered that the identified visual and landscape **harm** should be attributed **moderate** weight in the planning balance.
- 5.17.7 There would be impact upon the character and appearance of the area through the residential development of a green field site. However, based upon the submitted masterplan and supporting information accompanying the application, and subject to suggested conditions, it is considered that there would not be significant harm to the character and appearance of the area.
- 5.17.8 There should not be a significant adverse impact upon the living conditions of occupiers of nearby residential properties. Effects in terms of outlook, privacy and overshadowing would be considered at the reserved matters stage.
- 5.17.9 The application site is an allocated housing site in the adopted local plan and will therefore make an important contribution to the housing land supply. As the Council is currently unable to demonstrate a 5-year housing land supply, the tilted balance of paragraph 11(d) of the NPPF is engaged. The collective benefits of the development as described would be significant. Any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The scheme therefore benefits from the presumption in favour of sustainable development which is a further material consideration. The proposal would accord with the development plan taken as a whole and there are no material considerations that indicate that the application should be determined otherwise than in accordance with the development plan. Accordingly, it is recommended that planning permission be granted.

## **6.0 Alternative Options**

- 6.1 None applicable (see 'Key Issues' section of this report above).

## **7.0 Pre-Commencement Conditions**

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

## **8.0 Legal Implications**

- 8.1 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.

## **9.0 Recommendation**

- 9.1 That planning permission is resolved to be GRANTED subject to the completion of a satisfactory legal agreement or similar mechanism, with details of delivery of the planning obligations identified at Table 3 and the following conditions and informatives, with any changes to the wording of the conditions or transfer of conditions to S106 planning obligations delegated to the Development and Conservation Manager and the applicant agreeing to extend the statutory period in order to complete the agreement.

### **Time Limit**

1. Before the development hereby permitted is commenced, approval of the details of the siting, design and external appearance of the development, the means of access (other the access details shown on Drawing No. P24028-SMCE-01-XX-SK-H-0001 P01; Drawing No. P22042-SMCE-ZZ-XX-D-H-0301 P05; and Drawing No. P17033-04-10D) and the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained in writing from the Local Planning Authority.

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

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

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

3. The development hereby permitted shall be carried out in complete accordance with the details specified in the application and supporting, approved documents and plans as listed above, 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.

### **Master planning**

4. The development hereby permitted shall be carried out in accordance with the masterplan framework and parameter plans listed below:
  - Land Use Parameter Plan – Drawing No. 7521-L-20-G
  - Access Parameter Plan – Drawing No. 7521-L-21

- Vehicular Hierarchy Framework Plan – Drawing No. 7521-L-22-B
- Active Travel Framework Plan – Drawing No. 7521-L-23-A
- Green Infrastructure Framework Plan – Drawing No. 7521-L-24-H
- Building Heights Parameter Plan – Drawing No. 7521-L-25-A
- Built Form and Character Framework Plan – Drawing No. 7521-L-26-A

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of planning permission and in accordance with Policy SP9 of the North Herts Local Plan 2011-2031.

### **Masterplan Compliance**

5. Prior to or concurrent with the submission of the first Reserved Matters application, and any subsequent Reserved Matters applications, a Masterplan Compliance Statement shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan Compliance Statement shall provide detailed explanation of how the proposal accords with the Masterplan Framework document approved under application reference No. 23/01552/OP and dated January 2005, and plan numbers 7521-L-20-G – Land Use Parameter Plan; 7521-L-21 – Access Parameter Plan; 7521-L-22-B – Vehicular Hierarchy Framework Plan; 7521-L-23-A – Active Travel Framework Plan; 7521-L-24-H – Green Infrastructure Framework Plan; 7521-L-25-A – Building Heights Parameter Plan; and 7521-L-26-A – Built Form and Character Framework Plan. Where the proposal does not accord with a specific principle or parameter within the approved Masterplan, the Masterplan Compliance Statement must provide clear and robust justification for each departure.

Reason: To ensure that the development as envisaged by the outline application is satisfactorily implemented in accordance with Policy SP9 of the North Hertfordshire Local Plan.

### **Design Code**

6. Prior to the submission of the first reserved matters application(s), a Site Wide Design Code shall be submitted to the Local Planning Authority for approval. No development shall commence except enabling and associated works until the Site Wide Design Code has been approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council (as Highways Authority and LLFA).

The Site Wide Design Code shall be prepared in accordance with the approved parameter and framework plans established in this outline permission and build upon the place-making principles stated in the Strategic Masterplan Report and Design and Access Statement.

The Site Wide Design Code shall be structured as follows:

#### A: Nature, Open Space and Ecology

Regulating Plan (based on Open Spaces identified in the Green Infrastructure Framework Plan)

Site Wide Landscaping Materials Palette (hard and soft)

Site Wide Tree and Planting Palette

Section on each Open Space (e.g. 'Watton Park West') to include:

- Vision Statement
- Illustrative Plan (showing planting, habitats, trees, routes, surfacing, play, character, lighting, SUDs, function/use, etc)
- Illustrative Sketch View
- Play Concept and Objectives
- Planting Plan (based on Site Wide Tree and Planting Palette)

#### B: Streets, Movement and Parking

Regulating Plan (developing on routes and streets identified in Design and Access Statement and Strategic Masterplan Report).

Site Wide Streets Materials Palette (paving, highways, shared surface, etc)

Site Wide Parking Typologies

Section on each Street Typology (e.g. Primary Street) to include:

- Section and Plan (front door to front door) to show carriageway, pavements, planting, verges, street furniture, utility corridors, street trees, play, defensible space, boundary treatments, materials, lighting, parking, adoption, cycling provision, cycle parking, etc.
- Junction design to lower order street (e.g. Primary to Secondary Street)

#### C: Character and Built Form

Regulating Plan (based on Urban Design Framework Plan)

Site Wide Tenure Distribution Principles

Site Wide Built Form Principles

Site Wide Materials Strategy (with contextual analysis of surrounding area)

Design Principles for Rural Edges

Design Principles for Key Buildings

#### D: Compliance

Table assessing compliance with the North Herts District Design Code

Table assessing compliance with Buildings for Healthy Life Criteria

The Design Code shall be structured as a 'comply or justify' document. All subsequent Reserved Matters applications shall accord with the details of the approved Site Wide Design Code and be accompanied by a statement which demonstrates compliance. There shall be no variation or amendment to the approved Site Wide Design Code unless this is agreed in writing by the Local Planning Authority.

Reason: To ensure high quality design and co-ordinated phased development in accordance with Policy SP9 Design and Sustainability and D1 Sustainable Design in the North Hertfordshire Local Plan and Section 12 of the NPPF, National Design Guide and National Model Design Code.

#### **Allotment**

7. Any Reserved Matters applications which incorporate allotment provision shall, where appropriate, include the following details:
  - a) A plan of the allotments, principles of plot layout and design providing for a range of plot sizes designed to allow flexibility to meet the needs of future plot holders; areas for communal storage of, for example, manure and compost;
  - b) Proposed management arrangements;

- c) Access and parking arrangements to allow easy and safe access to the proposed allotments and retaining access to the existing allotments;
- d) Boundary treatment, including security arrangements for the allotments;
- e) Water supply, including, where appropriate, rain water storage.

The provision of allotments shall be carried out in accordance with the approved details and in accordance with the approved phasing programme.

Reason: To ensure that appropriate allotments are provided in relation to the development of the site in accordance with North Hertfordshire Local Plan Policy NE6.

### **Waste and Recycling Storage**

8. No dwelling shall be occupied until a scheme setting out details of all on-site household storage facilities for waste including waste for recycling and/or composting (including details of any enclosures or screening) to serve each dwelling in accordance with the Council's Waste and Recycling Strategy at the time of submission, has been submitted to and approved in writing by the Local Planning Authority.

Such details shall identify the specific position of where wheeled bins will be stationed, and the specific arrangements to enable collection from the kerbside of the adopted highway/refuse collection vehicles access point in accordance with the walk distances set out in the Council's approved waste collection strategy.

The scheme shall also include arrangements for management of any other waste generated by the development. All such facilities shall be provided in accordance with the approved details prior to the first occupation of the corresponding dwellings and shall be maintained and retained thereafter.

Reason: To facilitate refuse and recycling collection. To protect the amenities of nearby residents and occupiers in the interests of visual amenity and to comply with Policies D1 and D3 of the North Hertfordshire Local Plan 2011-2031.

### **Site Waste Management**

9. No development shall take place until a Site Waste Management plan has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced onsite and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that waste is minimised during the construction of the development in accordance with Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document 2012.

## **Landscaping and Biodiversity**

### Advanced Planting

10. Any reserved matters applications shall be accompanied by details of the structural planting along the Eastern Greenway. This shall include species composition, specification and supporting implementation timetable.

Implementation will need to be carried out prior to development above ground level (except any demolition, site clearance, ground investigation and remediation work) and in accordance with an implementation timetable agreed in writing with the Local Planning Authority.

Reason: In order to ensure key structural / screening landscape planting is carried out at the earliest opportunity, in the interest of screening, landscape character and amenity of the locality. Ensuring compliance with the North Herts Local Plan Policies KB4, SP9, NE2 NE6 and National Planning Policy Framework.

### Infiltration Basin Landscape Strategy

11. Any reserved matters applications shall be accompanied by an Infiltration Basin landscape strategy. The strategy shall demonstrate how the proposed infiltration basin will be fully integrated into the landscape. The strategy shall include:
- Detailed layout and cross-sections of the basin, showing gradients, edge treatments, planting zones and relationship with surrounding levels;
  - Planting plans and schedules for all planting, including species, densities and maintenance regimes;
  - Access and safety considerations, including appropriate design of slopes, edge detailing and passive surveillance from public areas;
  - Phasing plan for delivery;
  - Long-term management responsibilities and aftercare proposals.

The SuDS features shall be constructed and maintained in accordance with the approved details and retained thereafter.

Reason: In order to ensure key structural / screening landscape planting is carried out at the earliest opportunity, in the interest of screening, landscape character and amenity of the locality. Ensuring compliance with the North Herts Local Plan Policies KB4, SP9, NE2 NE6 and National Planning Policy Framework.

### Landscape and Ecological Management Plan (LEMP)

12. Any reserved matters applications shall be accompanied by a Landscape and Ecological Management Plan (LEMP). The content of the LEMP shall be written in accordance with BS42020:2013 Biodiversity Code of Practice for planning and development.

The LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;

- c) Appropriate options for achieving management aims and objectives;
- d) Full details of proposed habitat creation and long-term measures to enhance the site for biodiversity;
- e) Preparation of a work schedule and implementation timetable (including an annual work plan capable of being rolled forward over a five-year period);
- f) Details of the body or organisation responsible for implementation of the plan;
- g) Supporting plan showing areas within and outside the management plan area;
- h) Biodiversity Net Gain (BNG) Plan and ongoing monitoring of BNG delivery;
- i) Full details of protection and mitigation measures to be implemented for retained trees, habitats, flora and faunal species including the timings of works;
- j) Demonstrate how the LEMP for that phase has been cognisant of the LEMP(s) for prior phases;
- k) Prior to the commencement of the given phase of the development a timescale for the implementation of these measures.

Details of habitat management practices to be used within the Site including acceptable limits of change, targets and remedial works in regard to habitats and species at the site.

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

Reason: In the interest of biodiversity and ensuring compliance with the North Herts Local Plan Policies KB4 and NE2 and the National Planning Policy Framework.

### Trees

13. Prior to or concurrent with each Reserved Matters application and where there are identified and relevant tree or hedge impacts, the following document(s) shall be submitted to and approved in writing by the Local Planning Authority in accordance with best practice including BS5837 (Trees in relation to construction) –

- (i) Arboricultural Method Statement(s)
- (ii) Tree and Hedge Protection Plan(s)
- (iii) a Veteran Tree Management Plan and a
- (iv) external underground service plan illustrating the routes of all cables and pipes.

Thereafter, the development shall be carried out and completed in accordance with the approved details.

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

### Soft Landscaping Provision

14. Notwithstanding any details included in the submitted plans, no development above ground level (except any demolition, site clearance, ground investigation and remediation work) shall take place within the relevant phase (or part thereof) until details of soft landscaping for such relevant phase have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans; written

specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities and tree pit construction and soil volumes.

The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of character and visual amenity and ensuring compliance with North Herts Local Plan Policies KB4, SP9 and NE2 and the National Planning Policy Framework.

#### Hard Landscaping and Boundary Treatment Provision

15. Notwithstanding any details included in the submitted plans, no development above ground level (except any demolition, site clearance, ground investigation and remediation work) shall take place within the relevant phase (or part thereof) until details of hard landscaping and boundary treatments for such relevant phase have been submitted to and approved in writing by the Local Planning Authority.

Hard landscape details should include proposed finished levels and contours showing earthworks and mounding; surfacing materials; hard surfacing material specifications; minor artefacts and structures (for example furniture, refuse and/or other storage units, signs, lighting and similar features); boundary treatments and proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features).

Reason: In the interests of character and visual amenity and ensuring compliance with North Herts Local Plan Policies KB4, SP9 and NE2 and the National Planning Policy Framework.

#### Biodiversity Net Gain Plan

16. No development above ground levels shall take place until a biodiversity net gain management plan (BNGMP) has been submitted to and approved in writing by the Local Planning Authority. The BNGMP should be informed by up-to-date ecological surveys and a new biodiversity metric (according to the accepted standard methodology at the time the BNGMP is submitted to the Local Planning Authority). The content of the BNGMP shall ensure the delivery of the agreed number of habitat and hedgerow units as a minimum



(15.17% and 81.13% increase in habitat and hedgerow units) to achieve a net gain in biodiversity and include the following:

- a) Description and evaluation of habitat parcels to be managed, cross referenced to individual lines in the metric
- b) Maps of all habitat parcels, cross referenced to corresponding lines in the metric.
- c) Appropriate management options for achieving target condition for habitats as described in the approved metric.
- d) Preparation of an annual work schedule for each habitat parcel (including a 30 year work plan capable of being rolled forward in perpetuity).
- e) Details of the body or organisation responsible for implementation of the plan.
- f) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.
- g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.
- h) Reporting plan and schedule for informing LPA of condition of habitat parcels for 30 years.

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

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

The approved plan will be implemented in accordance with the approved details.

Reason: To deliver a measurable biodiversity net gain in accordance with NHDCLP Policy NE4

#### Badger Method Statement

17. No development shall take place (including any demolition, ground works, site clearance) until a method statement for badgers has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall be informed by part 4 of the February 2023 Ecological Appraisal and include the;
- a) purpose and objectives for the proposed works;
  - b) detailed working method(s) necessary to achieve stated objectives;
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation, including guidance for updated badger checks prior to and within 2 months of construction work commencing, demonstrating that works are aligned with the proposed phasing of construction;
  - e) persons responsible for implementing / supervising vegetation clearance works;

The works shall be carried out strictly in accordance with the approved details.

Reason: In the interests of the protection of badgers and to ensure compliance with North Herts Local Plan Policy NE4.

### Badger Licence

18. No works are in any circumstances to commence unless the local planning authority has been provided with either:
- a) a badger licence issued by Natural England authorizing the specified activity/development to go ahead; or
  - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: In the interests of the protection of badgers and to ensure compliance with North Herts Local Plan Policy NE4.

### **Open Space Management and Maintenance**

19. Any reserved matters applications shall include a detailed Open Space Management and Maintenance Scheme for the management and maintenance of all areas of open space (to include parks, greenways, allotments, play areas, informal open space, semi-natural green space, public squares) shall be submitted to and agreed in writing by the Local Planning Authority. Details to be submitted shall include:
- a) Management organisation;
  - b) Details of landscape management and maintenance plans;
  - c) Details of planting, grass cutting, weeding and pruning;
  - d) Management of sustainable urban drainage features;
  - e) Inspection, repair and maintenance of all hard landscaping and structures;
  - f) Management, monitoring and operational restrictions; and
  - g) Maintenance and planting replacement programme for the establishment period of landscaping.

The open spaces provided shall be retained for their intended purpose and in accordance with the approved management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate open space and amenity provision as per Policy NE6 of the North Hertfordshire Local Plan.

### **Energy and Sustainability**

20. Prior to the commencement of works above ground, a site-wide energy and sustainability strategy shall be submitted and to the Local Planning Authority for approval addressing renewable energy, reducing carbon emissions and water conservation. The development shall thereafter be implemented in accordance with the approved measures, which shall be retained thereafter.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with North Hertfordshire Local Plan Policies SP9 and D1, and the adopted Sustainability SPD (2024).

## Drainage Conditions

21. Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted FRA and Drainage Strategy (Flood Risk Assessment, prepared by Lee Roxburgh, June 2023, REF 6204/R3 / Surface Water Drainage Strategy, prepared by Lee Roxburgh, March 2024, REF 6204-01-02-A) and LLFA Rebuttal (prepared by Enzygo, 20 February 2025, REF SHF.1132.267.HY.LT.001.A), 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 shall be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- (i) Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration feature/s. As this is SPZ II / III, we have agreed with the applicant that clean roof water would be infiltrating via plot drainage or

If infiltration is proven to be unfavourable, then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. The post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP). The discharge location for surface water runoff will be confirmed to connect with the wider sewer network.

- (ii) 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).
- (iii) Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
  - 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.
  - 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.
- (iv) The design of the attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.
- (v) 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.

- (vi) 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.
- (vii) 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.
- (viii) At detailed design stage, a clear span bridge needs to be considered prior to the inclusion of box culverts. If proven unfeasible, all culverts must include a trash screen due to the proposed grates (Figure 7 – LLFA Rebuttal, 20 February 2025, REF SHF.1132.267.HY.LT.001 A).
- (ix) At detailed design stage, there must be no land raising for any reason, for the 1% AEP plus 40% climate change area in accordance with NPPF and PPG. Additionally, there must be no development within the area of surface water flood risk in any rainfall return period.
- (x) At detailed design stage, option 2 must be fully developed including but not limited to source control on site, sufficient water quality treatment (2/3 stage) and a full drainage layout. This is to maintain groundwater recharge within this area.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181,182 and 187 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.

22. 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 North Herts Council.

23. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated June 2023, REF 6204/R3), 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 North Herts Council.

24. No development shall take place 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

25. No development shall take place 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.

26. 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 North Herts Borough Council.

27. Prior to the commencement of the development, no works involving excavations (except for access and intrusive site investigations) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority:
- An Intrusive Ground Investigation plan prior to the intrusive ground investigation that includes proposals for PFAS alongside other relevant parameters, agreed with Affinity Water to ensure all concerns will be covered.
  - Following acceptance of the Intrusive Ground Investigation plan, an Intrusive Ground Investigation that adheres to the plan to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
  - A Remediation Strategy/Report if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

- A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity generation from groundworks.
- A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
- A Monitoring Plan for parameters (including turbidity) within a borehole at a location between the site and the abstraction point.
- Acknowledgement of the need to notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants through displacement to a greater depths and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply.

28. If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:
- A Remediation Strategy/Report detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

29. No drainage systems within the SPZ1, for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 187 of the National Planning Policy Framework.

## **Archaeology**

30. (A) No development shall take place 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) Each phase of 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) Each phase of development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

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

## **Environmental Issues**

31. (A) No development approved by this permission shall take place until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
  - (ii) The results from the application of an appropriate risk assessment methodology.

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

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

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

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

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

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters in accordance with North Hertfordshire Local Plan Policy NE11.

32. No dwelling shall be occupied until a scheme detailing noise mitigation measures, specifically, glazing, ventilation and acoustic fencing for specific plots (including the impact of industrial noise sources) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the submitted "Wardell Armstrong Noise Assessment Report reference GM12535, Version 1.0 dated June 2023". The scheme shall be implemented in accordance with the approved details and maintained thereafter.

Reason: To protect the residential amenity of future occupants in accordance with the aims of Policy D3 of the North Hertfordshire Local Plan 2011-2031.

33. Full details of a Construction Environmental Management Plan (CEMP) for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase of development (including any pre-construction or enabling works). The construction of the development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The Plan shall include but not limited to the mitigation measures as set out in the Noise Assessment report provided by Wardell Armstrong and the following additional elements:

- a) Details and timing of the removal of any site waste;
- b) measures to minimise dust during construction;
- c) site set up and general arrangements for the delivery and storage of plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- d) construction traffic route signage, monitoring and enforcement measures;
- e) any temporary screening and hoarding details to protect neighbouring residents;
- f) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- g) wheel washing facilities for construction vehicles leaving the site;
- h) storage and removal of building waste for disposal or recycling;



Reason: To ensure the environmental impacts of the development are controlled in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity and in accordance with Policies D3, T1 and NE12 contained in the North Hertfordshire Local Plan.

### **Lighting**

34. No dwelling hereby permitted shall be occupied unless and until an external lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be designed to minimise the potential adverse effects of external lighting on the amenity and biodiversity of the site and its immediate surroundings. The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and local amenity and to ensure compliance with North Herts Local Plan Policies NE4 and D3.

### **Fire Safety**

35. Before the first occupation of any dwellinghouses hereby permitted, details of a fire hydrant(s) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The hydrant(s) shall be provided in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure adequate fire protection for the development by way of appropriately located hydrant facilities.

### **Highways**

#### Detailed Highways Plans

36. As part of any reserved matters applications, full details (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to detail the following:
- a) Roads.
  - b) Footways.
  - c) Cycleways.
  - d) Foul and surface water drainage.
  - e) Visibility splays.
  - f) Access arrangements.
  - g) Parking provision in accordance with adopted standard.
  - h) Loading areas.
  - i) Turning areas.

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

#### Vehicular Access and Surface Water

37. Prior to the first occupation / residential use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number (P17033-04-10D) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

#### Surface Water

38. Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the 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).

#### Cycle Parking

39. As part of any reserved matters applications, a scheme for the parking of residents' cycles with convenient and minimally obstructed access to the street, including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Construction Traffic Management Plan

40. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
- a) Construction vehicle numbers, type, routing;
  - b) Access arrangements to the site;
  - c) Traffic management requirements
  - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e) Siting and details of wheel washing facilities;
  - f) Cleaning of site entrances, site tracks and the adjacent public highway;

- g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) Phasing Plan.

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

Highway Improvements – Swangley's Lane between North and South Parcels of KB4 (The Swangley's Lane Mobility Filter)

41. A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the highway improvement works as indicated on drawing number (P22042-SMCE-ZZ-XX-D-H-0301 P05) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

Prior to occupation of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Spine Road Delivery – Prior to the Swangley's Lane Mobility Filter (Condition 41 above)

42. A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the construction of the development Spine Road between Swangley's Lane and Watton Road as indicated on drawing number (7521-L03 Issue AA) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

Prior to occupation of the development hereby permitted, works referred to in part A of this condition shall be delivered in accordance with the approved details and be to a standard that can be adopted by the Highway Authority.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway

safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Improvements – Watton Road Footway

43. A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the construction of a Footway along Watton Road from the hereby permitted site to at least the Public Right of Way (Knebworth 003) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

Prior to occupation of the development hereby permitted, works referred to in part A of this condition shall be delivered in accordance with the approved details and be to a standard that can be adopted by the Highway Authority.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Improvements – Footpath between southern KB4 parcel and the Knebworth Primary School

44. A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence on the southern parcel of the development hereby permitted (south of Swangley's Lane) until a detailed scheme for a footpath between the southern parcel and the existing Knebworth Primary School has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

Prior to occupation of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Improvements – Swangleys Lane between development site and London Road

45. A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the highway improvement works as indicated on drawing number (P22042-SMCE-ZZ-XX-D-H-0300 P04) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The finalised design will improve the footways adjacent to the school and will

reconfigure the school vehicle access to be a 'Copenhagen Style Crossing' to establish an effective continuous sustainable transport corridor from the hereby permitted site to London Road, Knebworth.

**B) Implementation / Construction**

Prior to occupation of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Improvements – Old Lane between Watton Road and Dene House

**46. A) Design Approval**

Notwithstanding the details indicated on the submitted drawing number (P22042-SMCE-ZZ-XX-D-H-0303 P02), no on-site works above slab level shall commence until a detailed scheme for the downgrading of Old Lane to establish a 'Walking and Cycling Friendly Corridor' has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

**B) Implementation / Construction**

Prior to occupation of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Improvements – Bell Close pedestrian / cycle access

**47. A) Design Approval**

Notwithstanding the details indicated on the submitted drawing number (P24028-SMCE-01-XX-SK-H-0001 P01), no on-site works above slab level shall commence until a detailed scheme for the proposed pedestrian / cycle access and crossing of Watton Road in the vicinity of Bells Close has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

**B) Implementation / Construction**

Prior to occupation of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

### Travel Plan

48. At least 3 months prior to the first occupation of the approved development a detailed Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

### **Active Travel England**

#### Infrastructure

49. No development shall commence until general arrangement plan(s) to a scale of 1:200 showing details of the walking/cycling infrastructure including works to the adopted highway have been submitted to and approved in writing by the Local Planning Authority. The details shall be submitted in accordance with guidance contained in LTN 1/20 on Cycle Infrastructure Design and Manual for Streets and where applicable indicate proposals for:
- Existing levels of the finished highway tying into building threshold levels
  - Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works
  - Signing, street furniture, street trees and pits
  - Structures on or adjacent to the highway
  - Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement)

The development or any phase of the development, whichever is the sooner, shall not be occupied until the walking and cycling infrastructure for the development or phase of development has been constructed and completed in accordance with the approved details.

Reason: To comply with the guidance in LTN 1/20 on Cycle Infrastructure Design and in Manual for Streets.

### **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.

## **Informatives:**

### Highways

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

AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: [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)

AN2) 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.

AN3) 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.

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

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

AN6) 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.

AN7) Roads to remain private: The applicant is advised that all new roads associated with this development, other than the development Spine Road that links Swangley's Lane to Watton Road, will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

AN8) Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN9) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>



AN10) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website [www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms) or by telephoning 0300 1234047.

AN11) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

## 10.0 **Appendices**

- 10.1 Appendix 1 – Urban Design Statement produced by Sohanna Srinivasan – Principal Urban Design & Planning Officer
- 10.2 Appendix 2 – Flood Risk & Sequential Test Considerations for NHLP Site KB4 (Land East of Knebworth) – Supporting Note produced by NHDC Strategic Planning Team
- 10.3 Appendix 3 – Herts Growth & Infrastructure Consultation Response with updated financial contribution figures (dated 25 June 2025)

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## **Urban Design Statement**

The applicant has worked collaboratively with NHDC officers over a two year period to develop proposals for the site. Both the Design and Access Statement and Strategic Masterplan Report sets out the structure and layout of the development securing the access, development parcels and balance of developable area to open space.

Due to the delivery strategy of this site (which is likely to be sold to a housebuilder with Outline Planning Permission), officers have taken a view that the Strategic Masterplan Report is 'light' on detail, leaving those discussions for the Design Code and Reserved Matters Application process as a change in design team is likely.

The Design and Access Statement sets out clear guiding principles for the development organised around housing, access and movement, social infrastructure and environment. Key principles to be developed are included below:

- Deliver a mix of housing, offering 1-5 bedroom properties comprising a range of house types, from terraces and linked mews cottages to detached properties.
- Create a series of characterful streets
- Car parking to be located so as to not dominate or detract from the street scene
- High quality built and landscape design that incorporates best practice design principles (detailed in Manual for Streets and Buildings for a Healthy Life)
- Creation of feature spaces at key locations within the residential area (through setbacks of buildings and tree planting)
- Create a development which addresses the street with active frontages
- Establish a legible environment with a choice of interconnecting, attractive streets and pedestrian routes
- Create a hierarchy of higher and lower order streets
- Streets designed principally for people, with priority for pedestrians and cyclists
- Incorporating the use of public spaces at key intersections to reinforce legibility and provide places to meet
- Equipped children's play areas that are accessible, overlooked and integrated with existing and proposed green infrastructure
- To conserve the existing landscape and habitat features to deliver an immediate mature landscape setting
- Encourage use of sustainable materials and techniques including measures to deliver energy efficiency and water conservation

The suite of Parameter and Framework Plans spatially illustrate how these principles are likely to be accommodated on site. For example, the Green Infrastructure Framework Plan, sets up a series of open space types, Watton Park East, Eastern Greenway, etc which seek to identify distinct landscape areas which will have unique functions and character to aid legibility.

Design officers have worked hard on the Parameter and Framework Plans to ensure there is an appropriate balance of safeguarding for non-negotiable elements such as pedestrians links, open space quantum, etc and flexibility for items that need further development such as the secondary/tertiary road network, plot layout, open space design, etc.

The Design Code will be crucial in securing high quality development on this site and developing on the work already done on the Strategic Masterplan Framework, Design and Access Statement and Parameter/Framework Plans.

The design code condition focusses on three key areas:

- Open Space and Landscape Design – to ensure the landscape-led vision is delivered and green spaces have distinctive character.
- Streets – to ensure streets feel like places, encourage walking and draw the landscape character into the residential neighbourhood.
- Built Form – to ensure homes are subservient to the landscape, aid in wayfinding, reflect the unique and characterful built form of Knebworth and sensitively negotiate the transition from urban to rural.

## Flood risk /sequential test considerations for NHLP Site KB4 - Land East of Knebworth

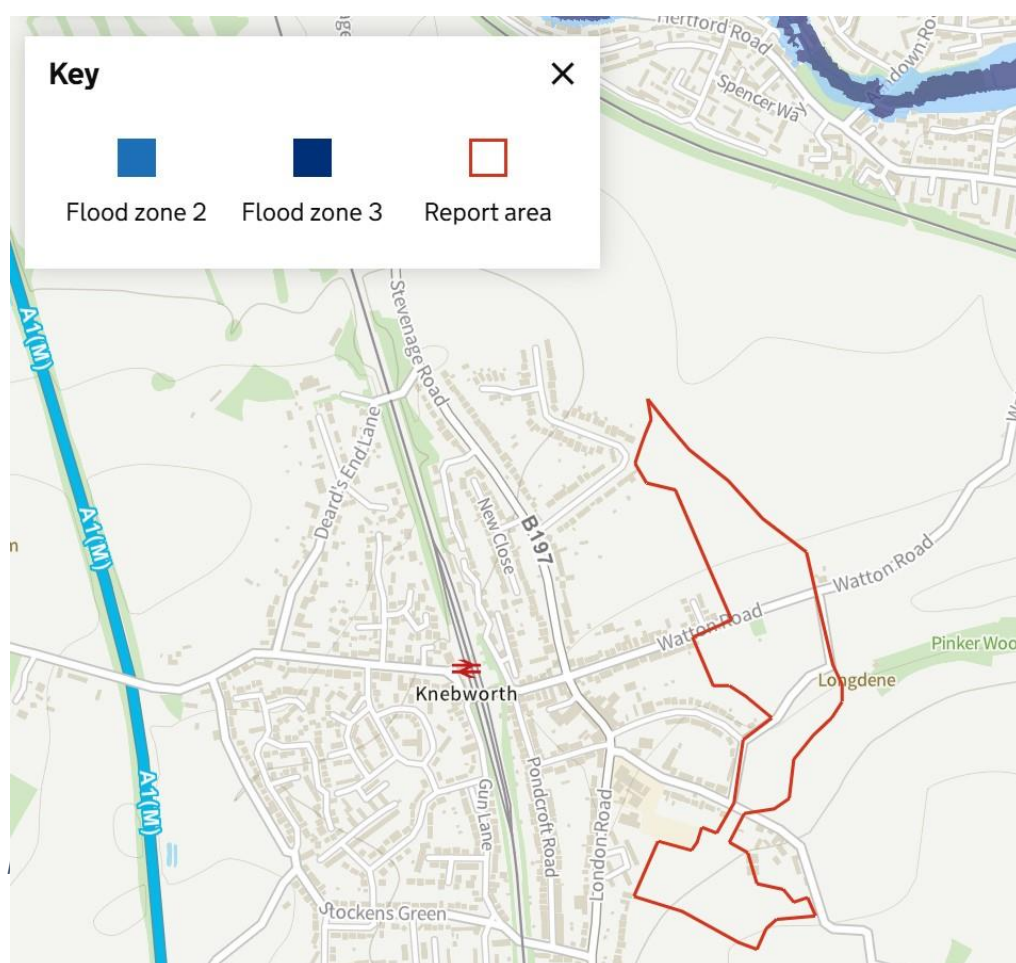


Figure 2- Site KB4 superimposed on EA's Flood Map

## Background

1. The Flood Risk and Coastal Change Planning Practice Guidance ([PPG](#)) was updated on the 25<sup>th</sup> of August 2022 – It became a material consideration on publication (there were no transition arrangements). It defines “Flood risk” as a combination of the probability and the potential

consequences of flooding. Areas at risk of flooding are those at risk of flooding from any source, now or in the future. Sources include rivers and the sea, direct rainfall on the ground surface, rising groundwater, overwhelmed sewers and drainage systems, reservoirs, canals and lakes and other artificial sources. Flood risk also accounts for the interactions between these different sources. The updated guidance largely provides additional clarification and explanation of existing policies. The main changes relate to:

- The definition of functional floodplain which was amended from 5% annual exceedance event (AEP) to 3.3% AEP event.
  - Multifunctional Sustainable Drainage Systems (SuDS) are to be applied to all development affected by flooding, including surface water flooding.
    - Paragraph 55 of the PPG makes it clear that to be considered sustainable SuDS must meet the 4 pillars (biodiversity, amenity, water quality in addition to controlling water quantity). This implies that for all major developments and all development within flood risk areas, applicants must include a SuDS meeting all 4 pillars unless they can justify that it would be inappropriate.
    - This means that systems such as traditional piped and tanked storage systems would not be considered SuDS (as they only meet one of the 4 pillars). Therefore, the use of SuDS is required in order to pass the sequential test of the development.
  - The Guidance also promotes Natural Flood Management (NFM) in new development and provides outlines how NFM techniques can be carried out, with a focus on de-culverting and re-naturalizing watercourses. In cases where these measures cannot be achieved and there are offsite impacts, the developer may be required to provide additional funding to maintain such structures.
  - Flood risk assessments and design considerations are now required to show that a development can withstand flood risks over its lifetime without increasing flood risks in the surrounding area.
  - Stronger emphasis of the need to take surface water flood risk into consideration (see below).
1. Herts County Council in its capacity as the Lead Local Flood Authority (LLFA) has queried whether, given that the PPG update post-dates the North Herts Local Plan (NHLP) examination, further sequential testing is now required on site-by-site basis. The LLFA recognises that the decision on whether further sequential testing is required lies with the LPA not the LLFA.
  2. NHCC considers that notwithstanding the updated PPG, the issues of reasonable alternatives and mitigations concerning fluvial, surface water and broader flood risk were

comprehensively considered through the Strategic Flood Risk Assessment (SFRA), the site selection process, the NHLP examination and the NHLP Sustainability Appraisal. Furthermore, there are no meaningful 'reasonable alternatives' to the allocated sites (particularly at strategic scale) and there has been no substantive change in land availability in the meantime that would support a different view. Therefore, NHDC as the LPA, consider that further sequential testing is not required either in overall terms or on a site-by-site basis.

## Site Context

3. Policy KB4 in the adopted North Herts Local Plan ([NHLP](#)) allocates site KB4 – Land east of Knebworth for 200 homes (Figure 1). The Local Plan allocates a total of 598 dwellings in Knebworth; which is one of five villages where a greater amount of growth has been allocated. Knebworth has a good range of facilities including a railway station, school, doctors and dentists, library, a range of shops, village hall and churches. Policy KB4 requires proposals to *address existing surface water flood risk issues through SuDS and a detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery*.
4. The Environment Agency's (EA) flood map for planning<sup>1</sup> shows that the entire site is within Flood Zone 1. However, there are areas of surface water flood risk (medium and high) according to the EA's Surface water flood risk map (Fig.2). The site contains 1:1000, 100 and 30 year extents showing flows associated with topography to the northwest and south of the site. Main flows appear to gather in the High Street / Old Lane.

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<sup>1</sup>[Environment Agency flood map for planning](#)

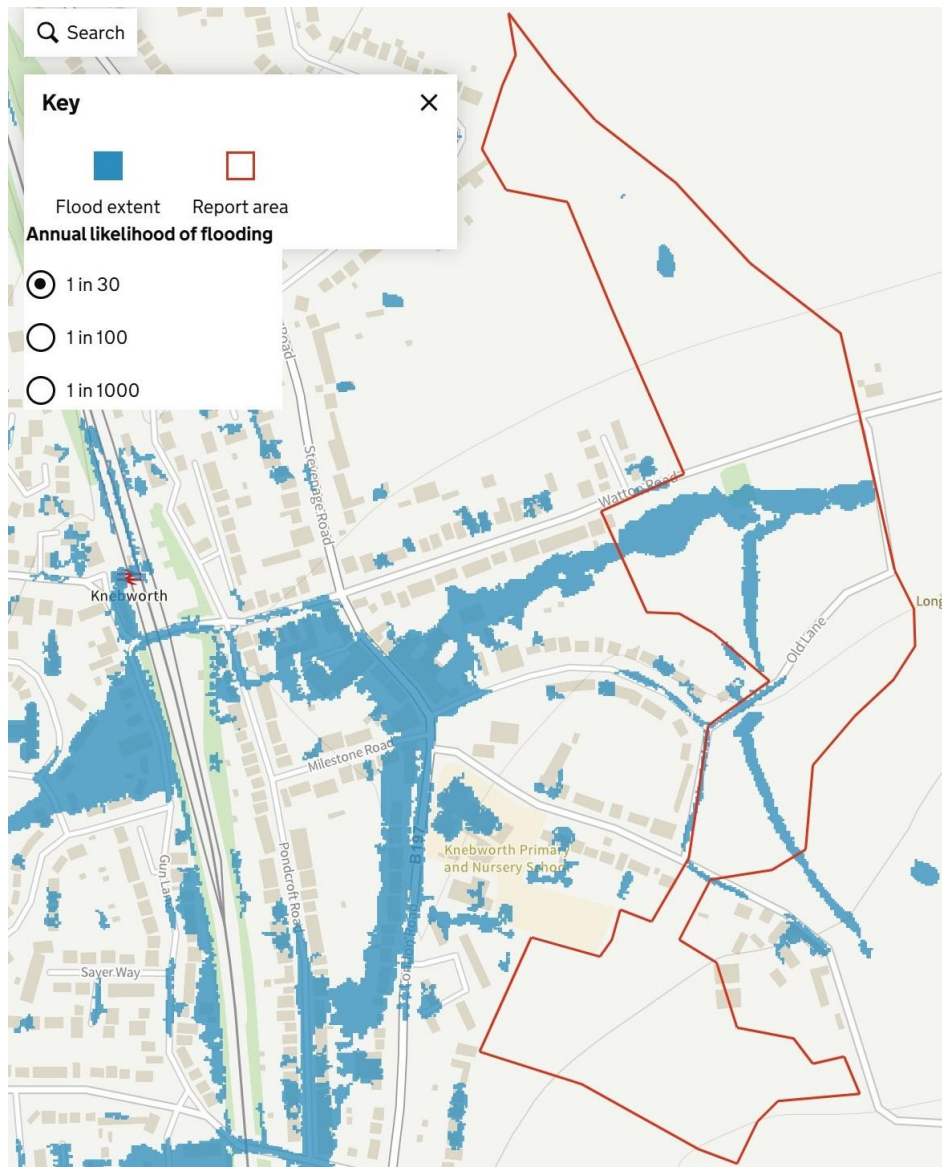


Figure 2 EA surface water flood risk map

## Constraints on housing land in the District

### Green Belt

5. The Local Plan's evidence base identified an objectively assessed housing need ([OAN](#)) of 13,800 homes over the plan period (2011-2031). The Housing and Green Belt background [paper](#) (HGBP) recognised this as an 'acute' need for housing in the District and set out to identify how the OAN can be met within the District. The paper found that of the 115 sites



[SHLAA](#) sites available for allocation (with a capacity of 14,420 homes)<sup>2</sup> the majority (11,857 or 82%) were within the Green Belt with only a maximum of 6,343 homes (46%) deliverable on non-Green Belt land. The paper concluded that the Green Belt presents an inherent constraint on housing land availability in the district. This is further exacerbated when the needs of the other authorities within the Stevenage HMA are considered<sup>3</sup>. The same applies to the Luton HMA and the substantial shortfall identified in Luton itself<sup>4</sup>.

## Flood Risk

6. The Council assessed sites in the SHLAA considered at risk from river and surface water flooding. Of the six sites identified a being at risk of river flooding three (sites 331, WSN and 232) were considered sufficiently large as to offer scope for mitigation of risk through layout/ design and their capacities were adjusted accordingly. For the remaining three sites (110, 121 and 225, total capacity 439 units), the SHLAA sets out that their suitability is contingent on development occurring within the area of flood risk. This implies that if it were possible to locate development entirely in Flood Zone 1, these sites would not be utilised as per the Sequential Testing approach set out in the NPPF. The assessment concluded that half of all future housing growth is reliant on sites containing at least some areas of high surface water flood risk (Table 1). The NHLP requires all major sites to incorporate sustainable urban drainage systems (SuDS) to manage run-off, subject to approval by HCC.

*Table 1 - Potential housing sites by risk of surface water flood risk*

	Total homes	Of which	
		Ex-Green Belt	Within Green Belt
No surface water flood risk on site	4,490	1,205	3,585
Low surface water flood risk on at least part of site	1,642	228	1,414
Medium surface water flood risk on at least part of site	763	327	436
High surface water flood risk on at least part of site	7,225	791	6,434
<b>Total</b>	<b>14,420</b>	<b>2,551</b>	<b>11,869</b>

<sup>2</sup> Some of the sites initially included in the SHLAA were subsequently discounted due to availability/ deliverability issues leading to a reduction of potential capacity by 1,128 units.

<sup>3</sup> Only 22,000 of the of 37,000 homes needed across the HMA can be accommodated outside the Green Belt.

<sup>4</sup> The Luton Local Plan makes provision for 6,700 new homes out of a total need of 18,000.

## Other constraints:

7. Potential development sites in North Hertfordshire are also constrained by other factors including:
  - **Agricultural land** – around 94% of housing growth is on Grade 3 or Grade 2 (40% of total) BMV land. Again, the majority of these sites are within the Green Belt.
  - **Heritage constraints** - most of the sites identified have at least some potential impacts upon heritage assets. 83 of the 115 sites are considered to contain, be adjacent to, or within the setting of, a heritage asset. Following consultations with Historic England and conducted heritage impact appraisals. This resulted in discounting site (329).
  - **Environmental constraints** – Two of the potential sites are adjacent to SSSI's (Therfield Heath and Knebworth Woods). The Council consulted Natural England, and the LP requires mitigation measures to counteract the effects of increased recreational disturbance on these sites. There are five additional sites within the SSSI impact zones where impacts should also be taken into account. In all around 1,381 are either adjacent to or within the impact zone of SSSI sites.
8. The HGBP concludes that if the Council were to impose blanket restrictions upon development on many (combinations) of the grounds above it would face severe challenges in meeting the identified needs for housing and employment. On this basis it was considered that exceptional circumstances exist to justify the release of land from the Green Belt and that given the number of sites affected. It is also considered that any blanket restraint on the grounds of surface water flood risk would hinder the achievement of sustainable development.

## The Sequential test and exception test

9. The sequential test is essentially designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas, considering all sources of flooding including areas at risk of surface water flooding. The updated guidance places stronger emphasis on considering the impact of surface water on new development with the sequential and exception tests now required for sites at risk of surface water flooding or other flood risks such as groundwater flooding and the impact of climate change (previously used to evaluate fluvial/ river flooding only). The guidance states that *'other forms of flooding need to be treated consistently with river and tidal flooding in*

*mapping probability and assessing vulnerability, so that the sequential approach can be applied across all areas of flood risk'. Where it is not possible to locate development in low-risk areas, the sequential test should go on to compare reasonably available sites:*

- Within medium risk areas; and
- Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.

10. The sequential test should then consider the spatial variation of risk within medium and then high flood risk areas to identify the lowest risk sites in these areas, ignoring the presence of flood risk management infrastructure. It may then be appropriate to consider the role of flood risk management infrastructure in the variation of risk within high and medium flood risk areas.

#### Applying the Sequential Test in the preparation of strategic policies

11. The sequential test needs to be applied to the whole local planning authority area to increase the possibilities of accommodating development, which is not exposed to flood risk, both now and in the future (see the constraints section above which considered all potential sites options in SHLAA). The process is illustrated in Figure 3:

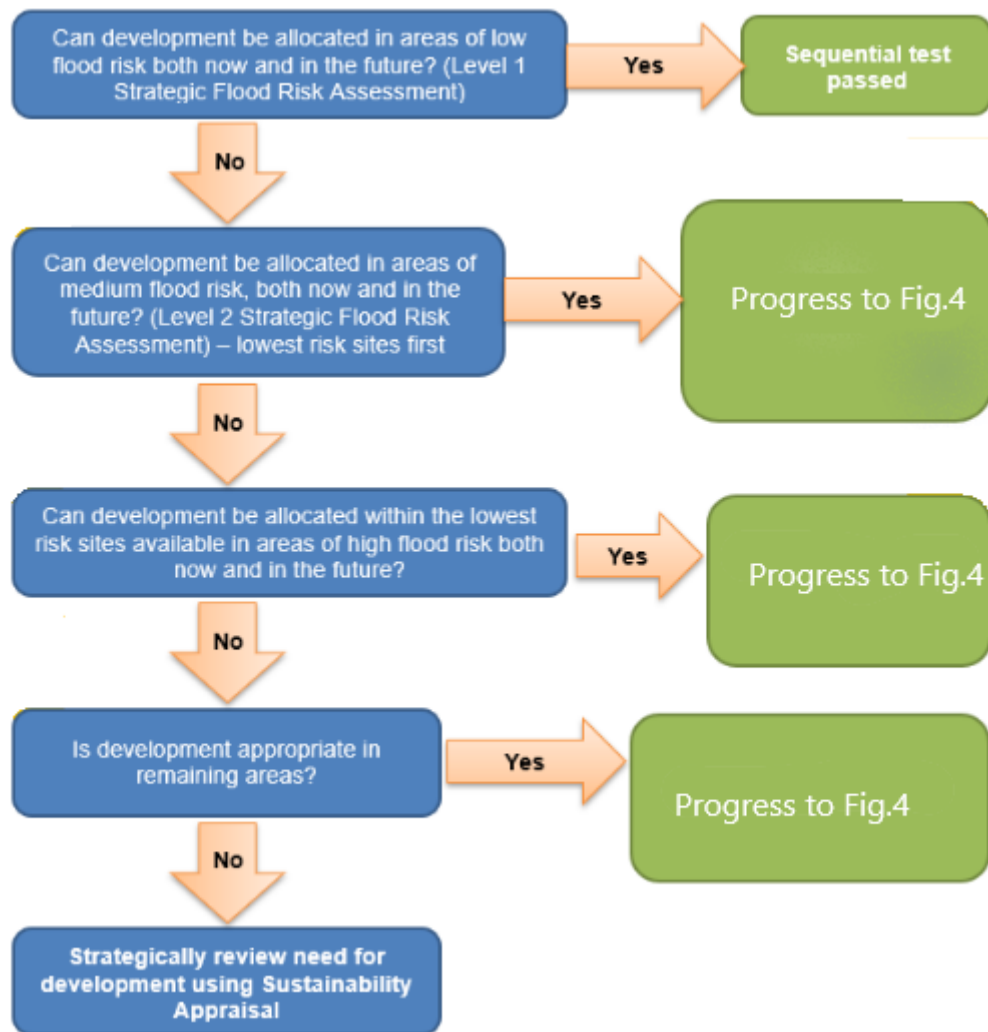


Figure 3 Application of the Sequential Test for plan preparation

12. The sequential test is passed if development can be located entirely within areas of low flood risk both now and in future (Level 1 Strategic Flood Risk Assessment). If that is not the case, the next consideration would be can development be allocated in areas of medium flood risk (Level 2 Strategic Flood Risk Assessment)? If that is the case, then the next step would be to consider if the exception test is required (Fig.4).

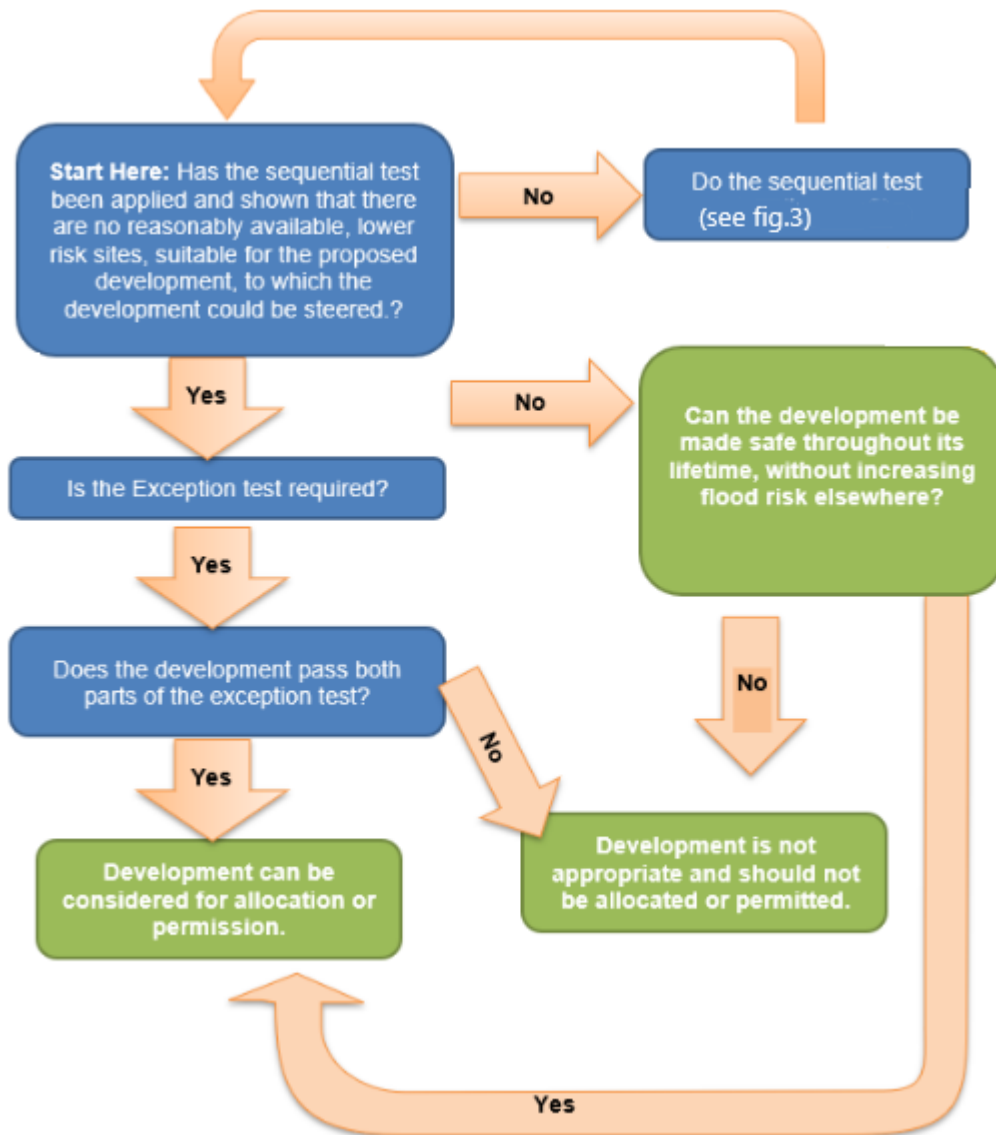


Figure 4 Application of the Exception to plan preparation

## NHDC Strategic Flood Risk Assessment (SFRA)

13. The NPPF is clear that the sequential test should consider all sources of current and future flood risk. Strategic Flood Risk Assessments (SFRAs) should form the basis for the sequential test. It is therefore for the SFRA to assess all sources of flood risk and how these risks may change over the anticipated lifetime of development. According to [NHDC SFRA Update](#) (2016) the KB4 site is not within a fluvial Flood Zone 2 or 3. However, there are areas within the site that are susceptible to surface water flooding. The SFRA states that site KB4 (Great Ashby) contains potential surface water flood risk with the map showing flows associated with topography to the north west and south of the site. Main flows appear to gather in the High Street / Old Lane, therefore, site provides opportunity for betterment.

14. The SFRA details the sequential approach taken in the assessment. This can be summarised as follows:

- **Consideration of fluvial risk:** The large majority of allocations in the local plan are not adversely affected by fluvial flood risk issues and as a result flood risk has largely been avoided by the allocations process. Only sites WY1, HT11 and LS1 contain any areas at risk from fluvial flooding and they can deliver development onsite without developing in the areas at risk by applying the sequential test within the site areas.
- **Consideration of surface water and other sources of flooding:** The SFRA applied the Sequential Test to other forms of flood risk including surface water and ordinary water courses. The assessment identified 66 sites with areas of surface water flood risk including site KB4. The assessment states that most of the sites will require the applicant to submit a surface water drainage assessment including SuDS to manage any existing surface water flood risk issues onsite. These will be referred to the LLFA<sup>5</sup> for consultation. Sites over 1 hectare will be required to carry out a Flood Risk Assessment in accordance with the NPPF. Sites under 10 dwellings will still be required to provide surface water drainage proposals which will be considered by the LPA. Regarding the Knebworth site allocations (including KB4) the SFRA states that *the “railway line appears to be a barrier in the middle of the village. There is a known issue originating from land to the west of the village, within site KB2. The site provides the opportunity to manage the issue. The SWMP is investigating potential detailed solutions. Development will need to take into account solutions identified through the SWMP and a Section 19 report already exists. The map also appears to show flows on the east of the village, again converging towards the middle of the village, representative of topography. KB4 provides the opportunity to contribute to the flow management if the issue is validated. KB3 within the village provides a further the opportunity for management of the issue, being further downstream of the flow.”*

#### Statement of Common Ground between the EA & NHDC

15. The Statement of Common Ground (SoCG) in respect of the NHLP proposed submission version was prepared jointly by NHDC and the Environment Agency (Nov. 2016). It sets out that the Council engaged continuously with the EA throughout the Plan’s production taking into account the EA’s representations. These included additional wording for inclusion

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<sup>5</sup> Guidance on requirements is available from HCC [here](#)

within Policies NE7, NE10 and NE11 and some additional site-specific mitigation criteria for some of the allocations in the Plan. The SoCG adds that the majority of these changes were taken forward following further clarification / negotiation. In terms of the flood risk, the EA's representation included changes to the criteria in policy NE7 'Reducing flood risk' and a site-specific recommendation for site WY1. (Table 2). The changes were subsequently applied to the policy wording.

16. The SoCG agreed matters includes the following statements:

- "It is agreed that sites identified in the plan are located appropriately in line with the Sequential Test and sequential approach as identified in National Guidance" and
- "It is agreed that there are no outstanding issues in relation to the environment, flood risk and water and wastewater infrastructure in the area of North Hertfordshire (in addition to the changes set out in the schedule of minor modifications). It can therefore be agreed that the plan constitutes sustainable development in accordance with paragraph 180 of the National Planning Policy Framework, March 2012."

Table 2 - Excerpt from the SoCG relating to flood risk

Para / page	Page	Change	Reason
Policy NE7 criteria changes	119	Planning permission for development proposals will be granted where (as applicable): <b>a) Development is located outside of medium and high risk flood areas (flood zone 2 and 3) and other areas affected by other sources of flooding where possible;</b> <b>b) Where a) is not possible, application of the sequential test and exception test is demonstrated where development is proposed in areas of flood risk using the Strategic Flood Risk Assessment (SFRA) and Environment Agency flood maps and;</b> <b>c) An FRA has been prepared in accordance with national guidance that considers the lifetime of the development, climate change impacts and safe access and egress;</b> <b>d) It will be located, designed and laid out to ensure the risk of flooding is reduced whilst not increasing flood risk elsewhere;</b> <b>e) The impact of any residual flood risk will be minimised through flood resistant, resilient design and construction;</b> <b>f) Flood protection and mitigation measures which may be necessary will have a positive impact on nature conservation, heritage assets, landscape and recreation and;</b> <b>g) Overland flow routes and functional floodplain are protected from all development other than that which is "water compatible" and this must be designed and constructed to remain operational and safe for users during flood events, resulting in no net loss of flood plain storage and not impeding water flows or increasing flood risk elsewhere</b>	Representations by Environment Agency comments [852]
Allocation WY1	213	<b>Undertake site specific Flood Risk Assessment to address surface water and river flood risk issues, particularly along Stevenage Road through, and help inform SuDs or other appropriate solutions as well as the site's access;</b>	Representations by Environment Agency [852]

## NHLP Sustainability Appraisal

17. The NHLP was informed by a [Sustainability Appraisal](#) (SA) which identified the above discussed constraints as key sustainability issues. With regard to flood risk it noted that 'a significant number of existing homes and potential new development sites face surface water flood risk'. The SA tested all the sites included in the adopted LP against a set of SA objectives including objective 4(b) "improve the District's ability to adapt to climate change" with the sub-objectives to reduce vulnerability to climate change and avoid development in areas at risk from flooding. The SA identified how the LP mitigates potential significant

negative effects through policies; specifically, policies SP9 (requires masterplans, creation of GI to support climate change mitigation/ adaptation and SuDS), SP11 (requires SuDS) and NE8 (seeks most sustainable drainage solutions for each development to reduce surface water flood risk).

18. In terms of residual effects<sup>6</sup> of the Plan, the SA identified surface water flooding as an issue affecting development across the District noting that the associated residual negative effect is of medium probability and could be reduced depending on design and layout of development and mitigation measures.

## LP Inspector's Report

19. The Council received the Inspector's [Final Report](#) on the Examination of the NHLP on 8 September 2022. This concluded that subject to a number of main modifications, set out in the Appendix to the report, the LP is sound, legally compliant and capable of adoption. The main modifications included the reduction of the OAN to 11,500 (from 13,800), the reduction of the housing growth proposed to 11,600 (from 14,000) and the requirement for masterplans for strategic housing sites.

The report recognised the overall constraints and lack of reasonable alternative, noting that: *“the district’s need for housing is acute and pressing. The supply of identified deliverable and/or developable land outside of the Green Belt falls well short of the need – indeed, it is less than half. Given this, the constraints in neighbouring local authority areas, the consequent inability of those authorities to assist in meeting the district’s housing need and the absence of any agreement for them to do so, it is impossible to see how anything even close to approaching the identified need for housing could be met without a significant level of Green Belt ‘release’”*. It also noted the historic *“housing under-delivery set against a background of significant and pressing need and any risk to optimising the recovery from this position should be avoided”*. With reference to the site allocations, the report stated that the *“proposed allocations would ensure that those needs are met where they arise in the most sustainable locations that are deliverable/developable. Rejecting these sites would delay meeting the pressing need for housing further”*, noting that the consequences of not meeting local housing needs *“would choke the local housing market” and that the “home-making aspirations of many people, particularly those requiring affordable homes, would be*

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<sup>6</sup> Refers to the combined remaining effects of the sites, policies and cumulative effects, after all the identified mitigation measures have been applied.



*shattered and the local economy would most likely suffer negative consequences. These too are matters of substantial weight."*

20. The report did not specify any modification specifically relating to site allocation KB4 but did mention another site where surface water flooding is also an issue, BA1 (North Baldock), noting that *"some suggest that large areas of this site are subject to flooding. However, it is in Flood Zone 1 and the Council says that there are surface water issues. Addressing these through the provision of SuDS or other measures is a requirement of Policy SP14. That is an effective and necessary approach."* Site KB4 is also within Flood Zone 1 with some areas of surface water flood risk and the policy provisions include the requirement for SuDS and other mitigation measures. Additionally, Policy NE7 requires the application of the sequential and exception tests for development within area of flood risk (according to the SFRA and the EA's flood maps) and also a FRA prepared in accordance with national guidance that considers the impact of climate change. The policy also stipulates that development must be designed to ensure that the risk of flooding is reduced whilst not increasing flood risk elsewhere. Where development is within an area at risk from flooding, the LP requires applicants to demonstrate that the site passes the Sequential Test before providing an FRA as part of the application process.

## Conclusion

21. The issues of reasonable alternatives and mitigations (in terms of flood risk and other constraints) were comprehensively considered through the SFRA and the Plan making process which demonstrated that there are no meaningful 'reasonable alternatives' to the allocated sites.
22. The Council has applied the sequential test in accordance with NPPF and PPG requirements by assessing all potential SHLAA sites and the various constraints (Green Belt, environmental, heritage and flood risk). The housing background paper established that there is an acute OAN and the District is severely constrained by the Green Belt. Whilst the majority of sites are within fluvial Flood Zone 1, most of the sites have potential surface water flood risk (according to the SFRA and the EA's mapping data). The NHLP seeks to address this issue by through Plan policies seeking SuDS, sustainable drainage strategies and site specific FRAs.
23. The PPG states that applicants do not "need to do a sequential test if one has already been carried out for a development of the type you're planning (e.g. a residential development)

for the site. Adding that, in such cases applicants need to ask their LPA for the site allocation reference in their Local Plan and include that in their planning application.

24. In conclusion it is considered that the approach taken by NHC is appropriate and in accordance with the requirements. Further sequential approaches to design and layout will be part of the masterplanning process for strategic sites allocated in the Local Plan and NHDC will continue working with the LLFA on any unforeseen issues that may arise.
25. In view of the above, the Council (as the LPA) considers that further sequential testing is *not* required either in overall terms or on a site-by-site basis.

North Hertfordshire Council  
 Council Offices  
 Gernon Road  
 Letchworth Garden City  
 Hertfordshire  
 SG6 3JF

**Hertfordshire County Council**  
 Growth & Infrastructure Unit  
 Environment & Infrastructure Department  
 County Hall  
 Hertford  
 Hertfordshire  
 SG13 8DN

25 June 2025

Respond to: [growth@hertfordshire.gov.uk](mailto:growth@hertfordshire.gov.uk)

Dear Planning Officer

**Response by HCC's Growth & Infrastructure Unit to 23/01552/OP**  
**Land South Of, Watton Road, Knebworth, Hertfordshire**

I am writing in respect of planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community. Based on the information to date for the development of **200 dwellings** we would seek indicative financial contributions based on the development mix towards the following projects:

<b>HOUSES</b>		
Number of Bedrooms	A) Open Market & Shared Ownership	B) Affordable Rent
1		
2	16	12
3	56	22
4+	61	4
Total	133	38

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

Trajectory						
Year	2025	2026	2027	2028	2029	2030
Units	20	40	40	40	40	20

**PLEASE NOTE; If the tenure or mix of dwellings changes, please notify us immediately as this may alter the contributions sought**

**Primary Education Contribution** towards the delivery of a new primary school in the Knebworth and/or provision serving the development (£2,973,523 (which includes land cost of £41,241) index linked to BCIS 1Q2024)

**Secondary Education Contribution** towards new secondary education provision at the former Barnwell East site/ land at Redwing Close and/or provision serving the development (£2,327,622 index linked to BCIS 1Q2024)

**Nursery Education Contribution** included within the Primary Education Contribution

**Childcare Contribution** towards increasing the capacity of 0-2 year old childcare facilities in the vicinity of the development and/or provision serving the development (£157,046 index linked to BCIS 1Q2024)

**Childcare Contribution** towards increasing the capacity of 5-11 year old childcare facilities at the new primary school and/or provision serving the development (£3,352 index linked to BCIS 1Q2024)

**Special Educational Needs and Disabilities (SEND) Contribution** towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£352,657 index linked to BCIS 1Q2024)

**Library Service Contribution** towards increasing the capacity of Knebworth Library and/or provision serving the development (£57,705 index linked to BCIS 1Q2024)

**Youth Service Contribution** towards the delivery of a new young people's centre serving Stevenage and the surrounding area and/or provision serving the development (£71,745 index linked to BCIS 1Q2024)

**Waste Service Recycling Centre Contribution** towards increasing capacity at Stevenage Recycling Centre and/or provision serving the development (£1,239 index linked to BCIS 1Q2024)

**Waste Service Transfer Station Contribution** towards the new northern transfer station and/or provision serving the development (£57,769 index linked to BCIS 1Q2024)

**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 £420 (adjusted for inflation against RPI January 2024). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

The CIL Regulations discourage the use of formulae to calculate contributions however, the County Council is not able to adopt a CIL charge itself. Accordingly, in areas where a CIL charge has not been introduced to date, planning obligations in their restricted form are the only route to address the impact of a development. In instances where a development is not large enough to require on site provision but is large enough to generate an impact on a particular service, an evidenced mechanism is needed to form the basis of any planning obligation sought. HCC views the calculations and figures set out within the Guide to Developer Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

The county council methodology provides the certainty of identified contribution figures based on either a known or estimated dwelling mix, the latter of which might be agreed with the local planning authority based on expected types and tenures set out as part of the local plan evidence base. This ensures the contributions are appropriate to the development and thereby meet the third test of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (amended 2019): “fairly and reasonably relates in scale and kind to the development”.

OUTLINE ONLY: Outline applications will require the ability for an applicant to recalculate contributions at the point of a reserved matters application and as such a calculation Table will be provided as part of the S106 drafting process. This approach provides the certainty of identified contribution figures with the flexibility for an applicant/developer to amend the dwelling mix at a later stage and the financial contribution to be calculated accordingly.

Please note that current service information for the local area may change over time and projects to improve capacity may evolve. This may potentially mean a contribution towards other services could be required at the time any application is received in respect of this site.

### **Justification**

The above figures have been calculated using the amounts and approach set out within the Guide to Developer Infrastructure Contributions (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet 12 July 2021 and is available via the following link: [Planning obligations and developer infrastructure contributions | Hertfordshire County Council](#)

In respect of Regulation 122 of the CIL Regulations 2010 (amended 2019), the planning obligations sought from this proposal are:

#### **(i) Necessary to make the development acceptable in planning terms.**

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable

development could be made acceptable through the use of conditions or planning obligations.” Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development The NPPG states “No payment of money or other consideration can be positively required when granting planning permission.” The development plan background supports the provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contributions sought will ensure that additional needs brought on by the development are met.

**(ii) Directly related to the development.**

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants.

**(iii) Fairly and reasonably related in scale and kind to the development.**

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield).

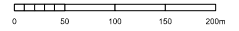
**PLEASE NOTE THE FOLLOWING:**

Consult the Hertfordshire Fire and Rescue Service Water Officer directly at [water@hertfordshire.gov.uk](mailto:water@hertfordshire.gov.uk), who may request the provision of fire hydrants through a planning condition.

I would be grateful if you would keep me informed about the progress of this application so that either instruction for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested financial contributions and provisions. Should you require any further information please contact the Growth & Infrastructure Unit.

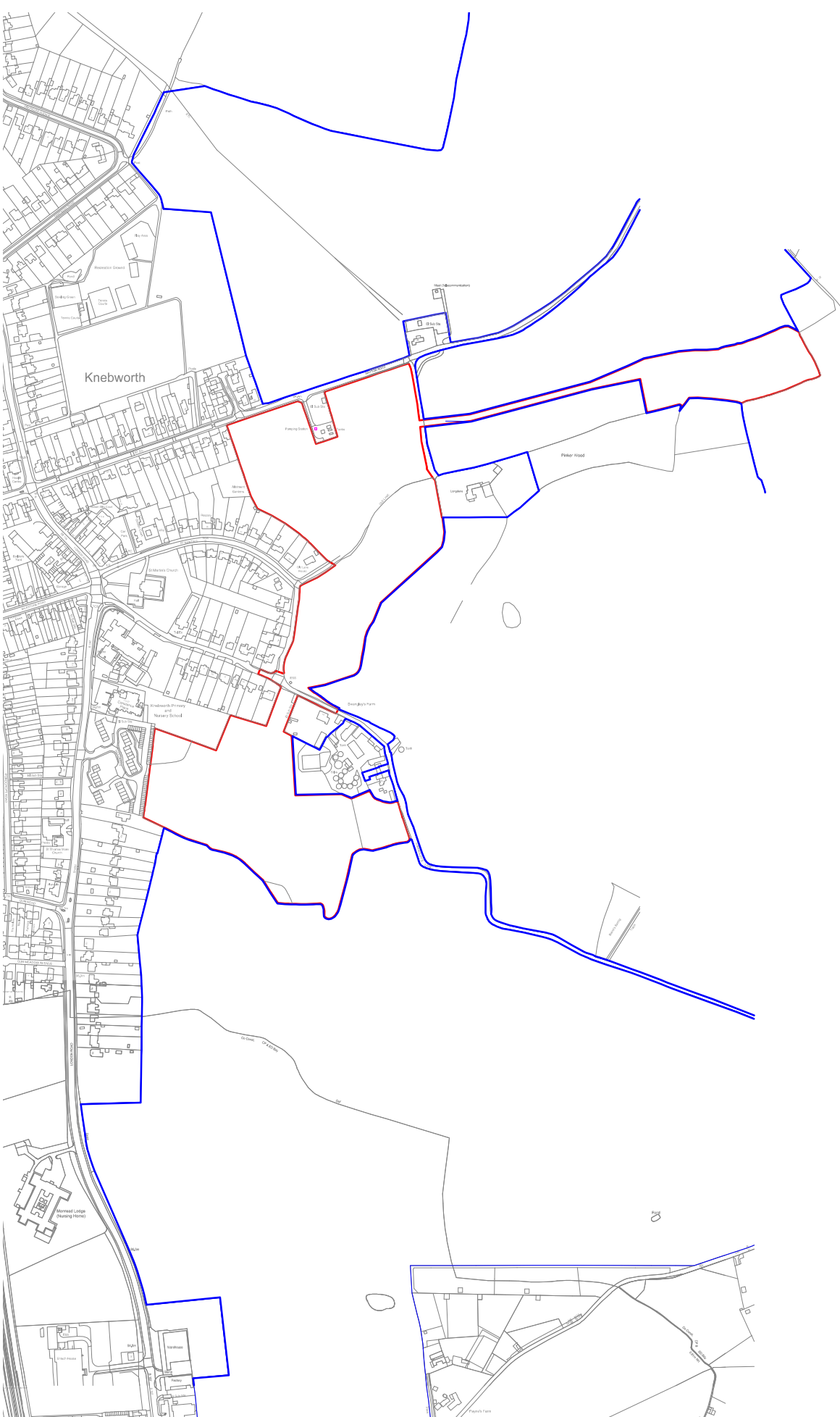
Yours faithfully

Xavier Preston  
Senior Planning Officer



KEY

- Site Boundary 14.74Ha
- Other land under landowner's control



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<u>Location:</u>	<b>Land To The Rear Of Banyers Hotel King James Way Royston Hertfordshire SG8 7BZ</b>
<u>Applicant:</u>	<b>Mr Borno</b>
<u>Proposal:</u>	<b>Residential development to provide 9 flats with associated vehicular parking and access via existing dropped kerb from King James Way with ancillary bike and refuse store.</b>
<u>Ref. No:</u>	<b>25/00104/FP</b>
<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period:** 26th March 2025

**Extension of statutory period:** 30<sup>th</sup> July 2025

**Reason for Delay:** Negotiations, submission of additional information and in order to present the application to an available committee meeting.

**Reason for Referral to Committee:** This application has been called-in to Planning Control Committee by Cllrs Brownjohn and Lucas to request the Committee's scrutiny with particular regard to the ecological implications of the development.

## 1.0 Planning Policy

### North Hertfordshire District Local Plan (The Local Plan) 2011 – 2031

Policy SP1: Sustainable Development in North Hertfordshire  
Policy SP2: Settlement Hierarchy and Spatial Distribution  
Policy SP4: Town Centres, Local Centres and Community Shops  
Policy SP6: Sustainable Transport  
Policy SP8: Housing  
Policy SP9: Design and Sustainability  
Policy SP10: Healthy Communities  
Policy SP11: Natural Resources and Sustainability  
Policy SP12: Green Infrastructure, Landscape and Biodiversity  
Policy SP13: Historic Environment  
Policy HS3: Housing mix  
Policy T1: Assessment of Transport Matters  
Policy T2: Parking  
Policy D1: Sustainable Design  
Policy D3: Protecting Living Conditions  
Policy NE1: Landscape  
Policy NE2: Green Infrastructure

Policy NE4: Biodiversity and geological sites  
Policy NE10: Water Framework Directive and wastewater infrastructure  
Policy NE12: Renewable and Low Carbon Energy Development  
Policy HE1: Designated Heritage Assets  
Policy HE4: Archaeology

#### National Planning Policy Framework (NPPF) (December 2024)

Section 2: Achieving sustainable development  
Section 4: Decision making  
Section 5: Delivering a sufficient supply of homes  
Section 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places  
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

#### Supplementary Planning Guidance

Vehicle Parking at New Development SPD (2011) (Plus Appendix 4 in North Herts Local Plan 2011 – 2031)

Sustainability SPD (2024)

## **2.0 Site History**

- 2.1 24/01075/FP: Residential development to provide 15 flats with associated vehicular parking and access via existing dropped kerb access from King James Way and ancillary plant, bike and refuse enclosure. Refused on 7<sup>th</sup> August 2024 for the following reasons:

1. Due to the size, height, external materials and location of the proposed building on the site, the block is considered to be out of context and unsympathetic to local character, contrary to the aims of Local Plan Policies SP9 and D1 and the design advice of paragraph 135 of the NPPF.
2. Due to the width and height of the proposed building in close proximity to the rear of the neighbours in Hunters Mews, it would result in a form of development that would dominate outlook and have an over bearing impact on these existing neighbours, as well as cause unacceptable levels of over looking and loss of privacy from this proposed close relationship, contrary to the aims of Local Plan Policy D3 and paragraph 135 of the NPPF.
3. Due to the design, location, scale, bulk, massing and tree loss / reduction, less than substantial harm would be occasioned to the setting of nearby heritage assets and to the character and appearance of the Royston Conservation Area. This harm would not be outweighed by the public benefits of the proposed development. As a result, the proposal fails to satisfy Sections 66(1) and 72(1) of the Planning (LB & CA) Act 1990, the aims of paragraph 135 and Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.
4. A completed S106 Agreement has not been submitting with the application to cover the contributions of affordable housing, education, library, youth and waste services and fire and rescue services contrary to the provisions of Local Plan Policy SP7.

5. The application does not demonstrate that there would be no impact on highway safety and convenience of users contrary to Policy T1 of the North Hertfordshire Local Plan 2011-2031, the Policies contained in the Local Transport Plan (LTP4) and section 9 of the NPPF.

### 3.0 **Representations**

- 3.1 **HCC Lead Local Flood Authority:** – Objects to the development due to the absence of an acceptable Flood Risk Assessment and Drainage Strategy.

Note: Revised information has been received from the applicants in response to the comments of the LLFA and a response is awaited.

- 3.2 **HCC Highways** – Advises no objections subject to conditions, informatives and a Sustainable Transport contribution via a Section 106 Agreement.
- 3.3 **HCC Archaeology** – no objection subject to archaeological conditions.
- 3.4 **NHDC Conservation Officer** – No formal objection but suggest amendments to enhance the scheme in terms of its relationship to heritage assets.
- 3.5 **NHDC Environmental Health** – Recommends conditions.
- 3.6 **NHDC Ecology Officer** – Advises no ecological objection. Recommends conditions.
- 3.7 **NHDC Waste Services** – general comments provided regarding waste collection.
- 3.8 **NHDC Housing Officer** – Advises that the provision of 9 flats is below the 11 dwelling threshold for delivery of affordable housing.
- 3.9 **Historic England** – Does not wish to offer any advice. Suggest seeks the views of specialist conservation and archaeological advisors.
- 3.10 **Anglian Water** – Advises development is outside of the remit of Anglian Water. Advises that applicant should check for any encroachment onto Anglian Water assets.
- 3.11 **Royston Town Council:** Objects on grounds of height, overshadowing, loss of light / proximity to neighbours, damage to trees and loss of habitat and design not in keeping with nearby historic buildings.
- 3.12 **HCC Growth & Infrastructure** : Advises that HCC will not be seeking financial contributions to relevant HCC services.
- 3.13 The application has been advertised with site and press notices and neighbour notification letters. 13 responses have been received (with 10 objections) in response to the publication of the application. The details are published on the Council's web site. Key points raised include:

1. Building is too large for the site and too close to adjacent houses
2. An overdevelopment
3. Flats not appropriate /Out of scale and context.
4. Adverse impact on heritage assets
5. Loss of / damage to the wildlife habitat / biodiversity which covers the site.
6. Query mix of dwellings proposed

7. Inaccurate / misleading drawings.
8. There is not enough parking in the road now and this will lead to more parking problems.
9. Lack of parking proposed on site.
10. Will harm the outlook and amenities of the neighbours in Hunters Mews from overlooking, overshadowing and dominance.
11. Out of scale and context.
12. There is no route through to Melbourn Street and this is unsustainable as it blocks pedestrian / cycle access through the site.
13. The new houses in the town are causing the capacity at the schools and doctors to be exceeded.
14. Request swift bricks
15. Concerned that this development will cause local flooding.
16. The local sewage system is already at capacity and we are concerned that these additional houses will lead to problems.
17. Will impact on the future viability of the Banyers Hotel
18. Noise and disturbance from construction

#### 4.0 **Planning Considerations**

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

- 4.1.2 The application site is roughly rectangular in shape and lies to the north / rear of the Banyers Hotel off the bend, to the south side, of King James Way. The site is within the Royston Conservation Area, with the area of the large group tree preservation order zone TPO/26 and lies close to several listed buildings, including the Banyers Hotel (Grade II), the Manor House (Weatherspoon's Pub) (Grade II\*), no. 18 Melbourn Street (Grade 1) and the Parish Church of St. John the Baptist (Grade I). The Lanterns, to the west, is identified as a building of local interest in the Conservation Area. The site has many mature trees around its boundaries and within it. It is neighboured by existing built development on all four sides. To the north and west there is established residential development which is predominantly 2-storeys in height. To the south is the 2-storey Banyers Hotel building and to the east the existing barns at the rear of No. 18 Melbourn Street. The site is roughly level, with a field gate access on the north east side off King James Way.

The majority of the site (central and southern portion) is within the Royston Town Centre boundary.

The site area measures 1944 sq. metres.

##### 4.2 **Proposal**

- 4.2.1 This is a full application for the residential development of the site with a 2-storey block providing 9 apartments comprising the following sizes:

Accommodation schedule

Number	Level	Name	Area
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Apartment 1	Ground floor	2 bed, 3 person	64 sq metres
Apartment 2	Ground floor	1 bed , 2 person	53 sq metres
Apartment 3	Ground and first floor	2 bed duplex, 4 person	94 sq metres
Apartment 4	Ground floor	1 bed , 2 person	53 sq metres
Apartment 5	Ground floor	2 bed, 3 person	64 sq metres
Apartment 6	First floor	2 bed, 3 person	67 sq metres
Apartment 7	First floor	1 bed, 2 person	56 sq metres
Apartment 8	First floor	1 bed, 2 person	56 sq metres
Apartment 9	First floor	2 bed, 3 person	67 sq metres

The block would be positioned along an east – west alignment within the southern part of site, with the ground floor accommodation accessing private gardens on the south side of the block, a 14-space parking court on the northern part of the site together with a combined cycle store and refuse/ recycling storage area close to the eastern boundary.

4.2.2 The proposed residential block would be 32.4m wide, 11.4m deep with a maximum ridge height of 9.40m and a ground to slab level change of 0.3m. The eaves height is 5.3 metres and the ridge height of the gable projections is 7.8m above ground floor level. The proposed external materials are brick, sections of horizontal cladding in light green, a tiled roof with solar panels on the southern roof slope. The design of the block includes fully hipped roof detail at the eastern and western ends with lower projecting gables on the front and rear elevations. There is no accommodation proposed within the roof space.

4.2.3 The proposed ground floor flats would all have a rear door and access to a private rear garden area. To the rear of the private garden areas is a communal garden area including a walkway and planted beds. Further south, beyond the application site area but within the ownership of the applicant, is a 5-metre-deep buffer comprising existing trees and native scrub.

4.2.4 The proposed refuse bin / cycle storage building on the eastern side of the site to the north east of the main block would be single storey with a shallow mono pitched style 'green' roof.

4.2.5 The following documents have been submitted in support of the application:

1. Drainage strategy and report;
2. BNG Net Gain Assessment;
3. Daylight / Sunlight Assessment
4. Tree Report and tree protection plan;
5. Design and Access Statement;
6. Heritage statement;
7. Archaeological Written Scheme of Investigation;
8. Ecology survey.

4.2.6 Key points as presented by the applicants include:

#### DAS:

1. The design focus has been to introduce a residential block that makes a positive contribution to local character through the use of high quality and considerate design.
2. The design proposals within this report have been carefully considered and are a response to the refused application for 15 flats (ref: 24/01075/FP)
3. The proposal aims to deliver maximum benefit in terms of density without materially impacting on the residual plot and surrounding buildings, including the historically important wall, stables and barn located to the eastern boundary of the development site and Thurnalls House itself.
4. The proposals would require the reinstatement and improvement of the existing vehicular access in accordance with the previous consent granted for development to the rear of 18 Melbourn Street (NHDC ref 07/00632).
5. A landscaping strategy has been produced that primarily is aimed at the retention of existing trees wherever possible with enhancements through a new landscaping strategy.
6. The car parking area will feature a permeable style block paving that will help manage rainwater run-off and be more forgiving to any potential movements generated by the nearby trees.
7. The building has been placed centrally within the site away from the neighbouring boundaries to reduce the risk of overlooking and any loss of privacy to existing neighbouring occupiers.
8. The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats.
9. No impacts to any notable habitats are anticipated due to the small scale and distance of the proposed development from such habitats as well as the urban location of the site with surrounding physical barrier.
10. The current proposed plan results in a 13.43% net loss in habitat units and therefore off-site units will be sought.
11. The deficit will need to be delivered in a suitable offsite location i.e. biodiversity offsetting.
12. The site is located in Flood Zone 1 indicating the lowest risk of fluvial flooding. As such the site is sequentially appropriate and no further search for alternatives is necessary under national policy. Any localised flooding is managed through an elevated threshold for the dwellings and an enhanced Sustainable Drainage Strategy (SuDS).
13. The development would benefit from having finished floor level of the dwellings set above the surrounding ground level by at least 300mm to mitigate against the residual effects of flooding from surface water, groundwater, and sewers. Flood risk is considered to be reduced even further through the use of a SuDS based surface water management strategy.
14. Surface water is to be disposed of via infiltration.

#### **4.3 Key Issues**

##### Principle

- 4.3.1 The site is located with Royston Town Centre. Royston is mentioned in Policy SP2 of the Local Plan as one of the settlements within the district which will accommodate approximately 80% of the District's housing development and the substantial majority of new employment, retail and other development. In proposing residential development the development would, in general terms, be in line with this main policy thrust concerning the location of new development in towns.

This is not an allocated housing site in the Local Plan although the contribution of 'windfall' sites can make a positive contribution to the delivery of housing during the Plan period. However, this site has the significant constraints of it being both within the Conservation Area and TPO/26 area as well as neighbouring listed buildings, and these constraints are discussed below.

#### Sustainability

- 4.3.2 The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development and that to achieve this the planning system has three overarching objectives. These are that development must have an economic, social and environmental objective. These core aims are reflected within the Local Plan Policies SP1 and D1.
- 4.3.3 With regards to the above objectives and this development, the site is located within the town centre of Royston, where the facilities of the town, shops, services, community facilities, bus routes and the train station, are accessible in terms of walking and cycling in addition to the private car. In social terms the development would add a number of small housing units to the district's housing stock. The build process would provide for local jobs and contribute to the local economy and in the longer-term new residents would support the town and its facilities. The flats would have to meet the high environmental code of current building regulations with regards to insulation, double glazing, low energy light fittings, low flow water fittings and energy efficient boilers and Electric vehicle charging points would be provided in accordance with Building Regulations. Solar panels are also shown on the submitted plans. Overall, the development is considered to have social, environmental and economic benefits and therefore comply with the aims of the NPPF and Policies SP1 and D1 in terms of sustainability and no objection is raised on this basis.

#### Housing mix and accessibility

- 4.3.4 Local Plan Policy HS3 requires an appropriate mix of house types and sizes to be proposed in a development, whilst Policy HS5 requires major housing schemes to ensure that at least 50% of homes can be built to M4(2) accessible and adaptable standard. This is not a major application as only 9 dwellings are proposed. In this location close to the town centre and taking into account the number of family houses located just to the north and west of the site, a mix of 1 and 2-bed flats is considered appropriate. There is no direct footpath access from the site to the south but access to Melbourn Street can easily be achieved via King James Way and through the Council car park and the health centre site immediately to the east. Accordingly, it is considered that the housing mix and accessibility of the site is acceptable given the wider pattern of development and ease of access to local services.

#### Amount of development and design and layout considerations

- 4.3.5 Local Plan Policy SP9 states that the Council considers good design to be a key aspect of sustainable development and that it will support new development where it is well designed and located and responds positively to its local context. These aims are supported by Policy D1 which requires for new development to 'respond positively to a site's local context'.
- 4.3.6 The residential density of the site equates to approximately 45 dwellings per hectare (dph). For a town centre location this is not excessive and comparable to, if not considerably less than, several other recent Royston town centre developments in the Conservation Area and close to listed buildings. Examples include the following:

- Land at 5 Kneesworth Street – 5 units at 71 dph (21/02432/FP)
- 10 Melbourn Street – 6 flats at 85 dph (22/02047/FP)
- Former Morrisons site – 32 flats at 114 dph (24/00436/FP)

Earlier development at Hunters Mews (adjacent the site to the west) for 6 units (98/01031/1) created a residential density of 53 dph.

- 4.3.7 It is considered that the site coverage of the proposed development reflects the spacious and open character of the site. The proposed building footprint plus the cycle and refuse store would be 405 sqm in total which, when taken with the whole site area (1944 sqm), means that only 21% of the site would involve built development which is a ratio of built form to site area that is low for an urban location even considering other constraints such as heritage matters, proximity to adjacent occupiers, ecology and flooding considerations (see below).
- 4.3.8 The built form is located in the centre of the site on an east – west alignment where there is no substantial existing vegetation and where it avoids the canopy and root protection zones of the TPO trees. The block is set in from both side boundaries by over 4 metres providing ‘breathing space’ between existing adjacent development and maintaining the building line with the flanking Hunters Mews development to the west.
- 4.3.9 To the south of the proposed block formal gardens are proposed beyond which is a communal amenity area for residents and then a retained existing belt of vegetation outside of the application site which provides a substantial landscaped buffer to The Banyers Hotel outside seating area further south.
- 4.3.10 The car parking area is located to the north of the residential block separated by a landscaped walkway. This arrangement allows for natural surveillance of the car parking area and cycle store and ease of access to the refuse store which is discreetly located close to the eastern boundary within a landscaped environment. The provision of the car park in this northern part of the site limits the intrusion of vehicles into the site whilst providing ease of access / egress from and to King James Way.
- 4.3.11 The residential accommodation is provided in one block which has the benefit of limiting the spread of development across the site and maintain its openness and sylvan character as mentioned above. The footprint and elongated form takes its cue in some part from the terraced housing in King James Way immediately to the north, the barns to the rear of the listed Thurnalls and the scale, width and depth of the linear development along Melbourn Street including The Banyers, Nos 2 - 14 Melbourn Street and the Police station all of which are in close proximity to the site.
- 4.3.12 The majority of the surrounding development is two storeys high with some three-storey development. The proposed residential block has two stories of accommodation with a traditional two storey eaves height and pitched hipped roof. As such the development is compatible with the scale and form of development in the vicinity of the site. In terms of detailed design the block will include projecting gables, brick detailing and soldier courses and a brick plinth, entrance porches and some horizontal weatherboarding all design features of which are common to the locality.
- 4.3.13 In respect of trees the proposal is accompanied by an arboricultural report which sets out the potential effects of the development on the trees within the site. One mature tree (T1) (Sycamore) is required to be retained to facilitate access otherwise all other trees are retained with some tree surgery works required to reduce back or lift various



canopies. Essentially the proposed development has been designed to retain trees and place the main building outside of the root protection area (RPA) of trees to be retained. A method statement for tree protection measures forms part of the report and a tree protection plan condition shows how development can be achieved without impacting the RPA's or through a no dig construction method. Conditions are proposed to require the submission of landscaping and earthworks and development to be carried out in accordance with the recommendations and tree protection measures set out in the arboricultural report.

- 4.3.14 Overall, it is considered that the proposals will improve the character and appearance of the area through appropriate scale and massing, efficient site layout and good architecture and quality materials. The public realm is also likely to be enhanced. The proposed development is well designed and located and responds positively to its local context in accordance with Policy SP9 of the Local Plan.

#### Amenity

- 4.3.15 Local Plan Policy D1 requires for new development to meet or exceed the National Described Space standards. These set out that 1B2P flat should be a minimum of 50 sqm in floorspace, a 2B3P flat should be 61 sqm and a 2B4P flat should 70sqm with additional storage provision. The plans show that the flats would exceed this space requirement. This, along with garden space on site, bin and bike storage and parking means that these flats can be considered to represent a good standard of amenity for future occupiers, and Policy D1 is considered to be met in this regard.
- 4.3.16 Local Plan Policy D3 seeks to protect the living conditions of existing neighbouring occupiers. The existing neighbours closest to the proposal to be directly affected are those in Hunters Mews the dwellings of which lie immediately adjacent to the western boundary of the site.
- 4.3.17 The rear elevations of Nos 30, 31 & 32 Hunters Mews face directly onto the site. The back gardens to these properties are very short and consequently the outlook from these properties across the site is of particular importance. That said, the proposed block is not directly in the line of sight from these properties being located to the south east with the main field of vision being over the proposed car park although separated by a group of protected trees shown to be retained (as well as being outside of the application site). I consider that this physical relationship is acceptable and a considerable improvement on the previously refused scheme.
- 4.3.18 Nos 33 – 35 Hunters Mews are angled at 90 degrees to the site boundary with their main rear aspects facing south / south east. No. 33 is the most affected as it lies immediately adjacent to the western boundary of the site and has several windows facing across the site although most have obscure glazing. The main living room and bedroom windows in this property face south or west. Nevertheless, daylight and sunlight may be affected to the west facing windows on No. 33 as the proposed residential block is located approximately 4.3 metres to the east of the main flank elevation of No. 33.
- 4.3.19 The applicant was asked to commission a daylight and sunlight assessment and this was submitted in May 2025 (Create Consulting engineers). The report advises that the assessment has been undertaken following the guidance given in the Building Research Establishment's (BRE) Publication 'Site Layout Planning for Daylight and Sunlight', 2022 Edition. It calculates the Daylight Factor Component (VSC), Illuminance

Levels (Lux) and Sunlight Hours for the proposed units and reviews these values in line with BRE guidance. For the existing buildings in the vicinity of the site, the assessment determines the overall reduction in VSC for the relevant windows within the dwellings, which will be experienced following the construction of the proposed extension. It also assesses the Annual Probable Sunlight Hours (APSH) for existing living spaces, which is a key indicator of how much sunlight a window can receive with and without the new development, helping to assess the level of overshadowing.

4.3.20 In respect of the impact on neighbouring properties the report states:

Daylight (VSC)

- 91% of neighbouring windows assessed will retain at least 0.80 of their former VSC, indicating that there will be no significant reduction in daylight for most of the neighbouring properties due to the construction of the proposed development.
- Some of the windows that do not meet the BRE criteria are located within Hunter Mews. Although these windows have VSC values that fall below 0.8 times their former values, they still receive a reasonable amount of daylight in the proposed scenario, with VSC values remaining above 20%. Therefore, the reduction in daylight is unlikely to be noticeable to the occupants or to significantly affect their comfort levels.

Sunlight (APSH)

- 91% of neighbouring windows will retain at least 0.80 of their former annual sunlight value, and 85% retain at least 0.80 of their winter sunlight value, in compliance with BRE standards.
- Windows that fall short of the BRE criteria already receive low levels of sunlight under existing conditions. The marginal reduction is not expected to be noticeable or have any significant impact on occupant comfort and wellbeing.

Amenity Areas

It is concluded that there are no external amenity areas that would be impacted by the proposed development. It is concluded that the proposed development will have a satisfactory level of daylight and sunlight in all new spaces and will have a small impact on the internal day and sunlight levels in the neighbouring buildings. The impact caused is deemed typical to the developments in the dense urban environment and should not be noticeable to current residents of the neighbouring buildings.

4.3.21 In view of the above findings it is considered that the development will have an acceptable relationship with the occupiers of neighbouring dwellings, in particular the occupiers of No 33 Hunters Mews.

4.3.22 In terms of the impact of the development on the living conditions of the prospective occupiers the daylight and sunlight assessment concludes as follows:

Daylight Assessment

The assessment finds that all relevant spaces meet BRE guidance for the recommended daylight levels in new developments. • 96% of windows achieve a

Vertical Sky Component (VSC) above 27%, which is considered an adequate level of daylight.

- The remaining 4% of windows have VSC values between 15% and 27%, which is generally deemed acceptable for dense urban settings.

#### Sunlight Assessment

An assessment of sunlight access was carried out for all living rooms with windows facing within 90° of due south. The findings indicate: • All living rooms with windows facing within 90° of due south receive at least 1.5 hours of direct sunlight on 21 March, meeting the BRE requirement for sunlight access

- 4.3.23 Other neighbours, 1 and 3 King James Way, and unit 5 at no.16 Melbourn Street are not adversely affected. Unit 5 is an office / business so impact on residential amenities is not a consideration. Numbers 1 and 3 are off set from the access point, and the siting, and bulk of the block is far enough away from the side flank of these homes to not have adverse harm.
- 4.3.24 Overall, it is concluded that the proposed development will maintain a reasonable standard of residential amenity for both existing and proposed residents in accordance with Policies D1 and D3 of the Local Plan.

#### Heritage impact

- 4.3.25 The application is supported by a heritage statement which describes the significance of the heritage assets and the impact of the development on the assets and their setting. The report is limited in its conclusions on the impact of the development on the affected heritage assets with a short conclusion as follows:

*'The proposed design has been redeveloped taken into consideration the feedback received on previous planning application, having amended the orientation, appearance, scale and massing of the proposal in relation to previous designs. Moreover, the site is visually separated from the Banyers Hotel due to dense vegetation along the boundary line and being predominantly overgrown land. Existing large trees acts a natural screen between the historic building and the proposed development. Furthermore, the orientation of the building would follow the existing building line to the rear of Hunters Mews, maintaining the partial openness of the site and mitigating its visual impact of the adjacent recent developments.'*

- 4.3.26 In response to the previous application (ref: 24/01075/FP) the Conservation officer acknowledged that the impact of the development on the setting and significance of the Banyers Hotel has been reduced due firstly to the change in ownership (no longer part of Banyers curtilage) and secondly the southern boundary tree belt restricting visual connectivity. This remains the case with this current application.

- 4.3.27 The current application has been designed in accordance with advice from the Council's Conservation officer who suggested the following:

*'In my opinion, a more acceptable scheme could perhaps be achieved by re-orientating a built form to run east-west rather than north-south providing a smaller number of properties with larger rear south-facing gardens considering the height of the tree belt and this would also reduce the impact of the development on Hunters Mews and the 2007 scheme at Thurnalls (should this be resurrected).'*

*'If the building line of any development of this site were limited to the southern building line of Hunters Mews (red line above) not only would this maintain the gap and partial openness of the site, it would also take the development further away from the southern boundary tree belt providing more generous garden areas. Furthermore, if limited to two-storey or lower and reoriented, this would ease the relationship with the existing built form to the east and west of the application site. This would be considered good planning'.*

- 4.3.28 In response to the current scheme the Conservation Officer does not raise a formal objection but suggests that the proposed block could be reduced in massing and footprint pulling it from the side boundaries and a potential solution of a single dwellinghouse located on the site and a reduced footprint of the block of apartments. Planning officers have some reservations concerning this further suggestion as it would lead to a spread of buildings across the site affecting openness and the character of the area, more hardsurfacing and potentially greater impact on protected trees and greater impact on neighbouring properties. As such this request has been considered but because of these several drawbacks not pursued. The applicant favours the retention of a single residential block as proposed and on balance, because of the many constraints over the development scope for the land, it is considered that this is the optimal option for this important site in the Conservation Area.
- 4.3.29 The Royston Conservation Area Map does not identify any key features of the site such as key views across it, any important group of trees or any other features that place any specific constraints on its potential development. It is private land and not identified as an important area of open or green space. A small section of historic wall in the south east corner is to be retained. However, it is acknowledged that the site is unusual in that it is surrounded by development and one of the last parcels of undeveloped land in the town centre – this undeveloped nature makes a very positive contribution to the significance of the Conservation Area and development on it will compromise its current open and landscaped setting to some extent.
- 4.3.30 Notwithstanding the above, as seen by the site coverage, a significant portion of the application site will remain free of built form and important trees will be retained. Residents close to the site will still be able to experience views across the undeveloped parts of the site. The main landscape features of the site – i.e. the mature trees are around the edges and the historic barns and wall to the east will remain.
- 4.3.31 The proposed residential block would be large but not substantially larger than the footprint of much of the surrounding blocks of development such as The Banyers, Police station, terraced blocks in King James Way and The Lanterns. The design of the block would include traditional features such as a pitched and hipped roof, projecting gables and reasonable proportions of brickwork, cladding and fenestration. The two-storey scale of the development together with retained and new landscaping would not be completely out of place in this urban context.
- 4.3.32 There would be some erosion of the current open and landscaped setting of the site to accommodate the development and this will occasion some moderate harm to the significance of the Conservation Area. However, the impact of the development on the

setting of the nearby listed buildings would be to a lesser degree given their separation from the site and intervening landscaping and other buildings. Public views into the site from King James Way are limited due to the narrow entry point, retained trees and the siting of the main building into the centre of the site.

- 4.3.33 Given the above it is concluded that there will be some harm to the character and appearance of the Royston Conservation Area and some limited harm to the setting of The Banyers and 18 Melbourn Street although there is no longer any functional connection between these assets and any historic ownership.
- 4.3.34 Taking into account paragraphs 214 and 215 of the NPPF the magnitude of the above identified harm needs to be assessed. In this case there would undoubtedly be less than substantial harm and because of the limited impact on the nearby listed buildings and the retention of a good degree of the site's landscaping and openness it is considered that the level of harm must be low on the scale of less than substantial in this instance. The NPPF advises that harm should be weighed against the public benefits of the proposal and the wider planning benefits are set out in the planning balance below.

Archaeological matters of heritage importance have been addressed through the submission of a Written Scheme of Investigation and this will be required to be submitted as the first part of information required to discharge the archaeological conditions which have been recommended by the Hertfordshire Historic Environment officer.

#### Bio-diversity Net Gain (BNG)

- 4.3.35 The documents submitted with the application set out there is a loss of habit units on the site and that off-site mitigation is required. In the event that the application were to be recommended for approval, then a S106 Agreement would be needed to secure this. However, the non-compliance of this at this stage cannot be used as a reason for refusal on the application although, as there is a conflict with LP Policy NE4 in terms of loss of biodiversity, this needs to be taken into account in the planning balance.

#### Ecology & Protected species

- 4.3.36 The site is not identified as a Site of Scientific Interest (SSSI) or has it any other wildlife designation in the local plan. as An Ecological Walkover report has been submitted with the application. The report concludes that the site was found to host limited ecological value and as such no further ecological surveys have been recommended. The report advises precautionary working methods during the construction phase for roosting bats, nesting birds, reptiles, amphibians and hedgehogs.
- 4.3.37 Neighbouring representations state that bats and owls and other wildlife are regularly seen on the site and it is reasonable to assume that the site, even with the scrub partially cleared acts as a wildlife refuge and foraging area for various forms of wildlife. An experienced ecologist has identified the potential habitats for protected species and provided recommendations for further mitigation measures and potential ecological enhancements. If permission is granted it is recommended that the development is carried out in accordance with the recommendations and mitigations in the submitted Ecological Walkover survey and a condition is attached to protect nesting birds.

- 4.3.38 The Council's Parking Standards require for 1 space per 1-bed dwelling and 2 spaces per 2-bed dwelling plus visitor and cycle parking. The proposed vehicle parking complies with residential parking standards in the local plan with the exception of visitor spaces where it is argued that the close proximity to Royston Town Centre and the nearby Council car park (within 50 metres) means that there is reasonably alternative provision for visitors. I would agree that in this sustainable location the amount of parking strikes the right balance in providing on-site parking whilst encouraging non-car modes of transport. The proposed cycling parking within a secure storage area overlooked by the development is considered acceptable.
- 4.3.39 With regard to access the applicant has demonstrated that service vehicles can enter the site sufficiently to collect waste and provide emergency service. In terms of fire provision the site is within 45 metres of King James Way. The Highway Authority raises no objections to the proposals in terms of highway safety acknowledging that the applicant has agreed to provide improved access arrangement including provision of tactile paving and an additional pedestrian crossing onto King James Way together with a sustainable transport contribution (see below).

#### Flood Risk

- 4.3.40 The site is located within Flood Risk Zone 1 where there is the lowest risk of fluvial flooding. The Environment Agency mapping does highlight potential high risk of Surface Water flooding and therefore a formal Flood Risk Assessment has been undertaken by Encon Associates and validated through Barkers engineering assessment and Drainage Statement. The Lead Local Flood Authority has raised an objection on the basis that there is surface water flow path across the site raising the risk of surface water flooding. The applicant has prepared supplementary documentation with regard to this matter highlighting that in fact it is only the eastern part of the site where there is a 1 in 100 year surface water flood risk but that this area is to be undeveloped and landscaped. In addition there will be elevated thresholds to the apartments to mitigate the risk of flow paths. The submitted Drainage Strategy is based on an infiltration system which addresses the levels and arboricultural constraints with permeable paved car parks, with localised root protection subbase replacement cell systems that will ensure the protection of root systems, while ensuring the effectiveness of infiltration through this area for storms up to and including the 100-year plus 40% climate change intensity. A further flood risk technical note submitted confirms how the development will address localised flood risks. The response of the Lead Local Flood Authority is awaited however it is confidently expected that this issue will be resolved to the satisfaction of the flood authority together with any necessary conditions that the LLFA may request. Accordingly, the recommendation below is framed in order to allow this issue to be resolved.

#### Planning Obligations

- 4.3.41 Policy SP7 requires for development proposals to make provision for the infrastructure that is necessary in order to accommodate the additional demands resulting from a development.

- 4.3.42 For this proposal, S106 contributions have only been requested from the Highway Authority in line with their adopted 'Guide to Developer Contributions' (Technical Appendix 1) in respect of a sustainable transport contribution (£61,434.00 index linked) to which the applicant has agreed.

#### **4.4 Planning balance and Conclusion**

- 4.4.1 As of May 2024 the Council cannot demonstrate a five-year supply of housing land (currently 3.9 years) as required by the NPPF. The NPPF sets out how small and medium sized sites can make an important contribution to meeting the housing requirements of an area and are often built out quickly achieving early delivery.
- 4.4.2 The proposal would make a modest but valuable contribution to the shortfall of homes in the district in a sustainable location where future occupiers would have easy access to services and facilities and consequent interaction with the community. I consider that this social benefit should be given significant weight. There would also be some economic benefit from the provision of housing through the provision of employment and additional local spending in the town and therefore I consider moderate weight can be attributed to this benefit.
- 4.4.3 In environmental terms whilst there will be a net loss of habitat units on site this can be compensated for off-site thus ultimately achieving bio-diversity net gain. The provision of solar panels, electric vehicle charging points and other energy efficient measures will assist in combating climate change although only limited weight can be given to these matters.
- 4.4.4 All technical details and matters relating to highways, flood risk and drainage, ecology, landscape, trees, archaeology, and contamination can be satisfactorily dealt with or made acceptable through the imposition of planning conditions and Section 106 agreement.
- 4.4.5 It is acknowledged that there will be some harm to heritage assets and this would be in the 'less than substantial' category. From the analysis above together with the well contained nature of the site and retain screening it is considered that the level of harm would be at the lower end of the less than substantial scale. The various social, economic and environmental benefits to the area would in my view outweigh the relatively minor heritage harm. Accordingly, it is considered that there is no strong reason for refusing the development under paragraph 11 d) i) of the Framework and any identified harm is outweighed by the various benefits of this scheme in a sustainable location. It is concluded that the development can therefore be supported.

#### **Alternative Options**

None applicable

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

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

## 5.0 **Legal Implications**

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

## 6.0 **Recommendation**

6.1 That planning permission be GRANTED subject to the following:

- a) The resolution of the surface water flood risk matter to the satisfaction of the Local Planning Authority with the imposition of additional planning conditions as necessary; and
- b) The completion of a satisfactory Unilateral Undertaking or similar mechanism under Section 106 of the Town and Country Planning Act (in respect of the sustainable transport contribution) and the applicant agreeing to extend the statutory period in order to complete the agreement if required; and
- c) That subject to a) and b) above the decision on the planning application be delegated to the Development & Conservation Manager subject to the following conditions and informatives:

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

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

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

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

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

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



4. Details (including material, sections, method of opening and external finish) of all windows shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. Thereafter the windows shall be manufactured and installed in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special character of the Royston Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the Local Plan

5. Before commencement of the development, additional plans must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the provision of tactile paving either side of the proposed site access, at the existing access and an additional pedestrians crossing onto King James Way to connect the existing footpath in the northern side & supported by a stage1 RSA. These works shall be completed prior to first occupation of the development hereby permitted under a s278 agreement with the highway authority. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

6. Before commencement of the development additional plans must be submitted and approved in writing by the LPA in consulting the Highway Authority which shows swept path analysis for a 12.1m long refuse collection vehicle (RCV) to demonstrate that the RCV can enter and exit the site in a forward gear.

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

7. Prior to the first occupation of the development hereby permitted sufficient space shall be provided within the site to enable a standard size family car, delivery vehicle to park, turn and re-enter the highway in a forward gear. This area shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority and retained thereafter available for that specific use.

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

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

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

9. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
- Construction vehicle numbers, type, routing.
  - Access arrangements to the site.
  - Measure to minimise dust, noise machinery and traffic noise impacts during construction.
  - Screening and hoarding details to protect neighbouring residents.
  - Traffic management requirements, including the location of routes and from the site, details of their signing monitoring and enforcement measures.
  - 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 including end of day tidying procedures to ensure protection of the site out the hours of construction. The construction activities shall be designed and undertake in accordance with the code of best practice set out in BS 5228 1997 and the agreed details unless otherwise agreed in writing by the LPA and Highways.
  - 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.

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).

10. 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 suggested 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.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted and to comply with Policy HE4 of the North Hertfordshire Local Plan 2011 to 2031

11. 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 approved Written Scheme of Investigation and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted and to comply with Policy HE4 of the North Hertfordshire Local Plan 2011 to 2031.

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

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

13. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

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

14. No development shall take place until an Ecological Enhancement Plan (EES) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures and hedgehog holes in fences, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework. To accord with Policy NE4 of the Local Plan

15. No development shall take place (including any ground works, site clearance) until a Biodiversity Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall be informed by November 2024 Ecological Walkover and include the following:
- a) Review of site potential and constraints.
  - b) Details of any necessary working methods to prevent harm to wildlife.
  - c) Type and source of materials to be used where appropriate.
  - d) Persons responsible for implementing the works.

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework. To accord with Policy NE4 of the Local Plan

16. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the

development should be occupied until all remedial and validation works are approved in writing.

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

17. Prior to the commencement of the development hereby approved a noise assessment to include possible noise from any surrounding commercial sources and its potential impact on the future occupiers of the development, together with any recommended mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved report.

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

18. Notwithstanding the submitted details, no development shall commence until a scheme of both hard and soft landscape works has been submitted to and approved in writing by the local planning authority. These details shall include:

- i. earthworks showing existing and proposed finished levels or contours;
- ii. means of enclosure and retaining structures;
- iii. boundary treatments
- iv. all hard surfacing materials, including surface materials/footpaths/access to homes within the development;
- v. details of soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment);
- vi. schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate
- vii. provisions for replacement planting within a period of 5 years from the completion of the development for species which die, are removed or become seriously damaged or diseased; and
- viii. an implementation programme.

The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation programme.

Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation

Reason: To ensure that the full landscaping scheme set out in the application is improved and implemented in full in a timely manner in the interests of phasing and to ensure the development is comprehensively landscaped in the interests of visual amenity. Local Plan Policies D1 and NE2

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

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North

Hertfordshire Local Plan 2011 to 2031.

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

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

21. No external lighting shall be installed until a wildlife-sensitive lighting scheme and biodiversity lighting scheme, in accordance with the recommendations contained within the Ecological Walkover Assessment have been submitted to and approved by the local planning authority.  
The development shall be implemented in accordance with the approved details and thereafter maintained and retained.

Reason: In the interests of protecting local wildlife To accord with Policy NE4 of the Local Plan

22. Prior to the commencement of development, a site-wide sustainability strategy shall be submitted to the Local Planning Authority for approval addressing renewable energy, reducing carbon emissions and water conservation. The approved measures must be implemented on site for each dwelling hereby approved prior to its first occupation.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 of the North Hertfordshire Local Plan 2011 to 2031

23. The proposed development shall be carried out in accordance with the recommendations and method statement for tree protection measures as set out in the submitted Arboricultural report by Andrew Day Arboricultural consultancy.

Reason: To ensure that the development has no adverse impact on the landscape character and general amenity of the site and its surroundings in accordance with Policy D1 of the Local Plan.

24. No removal of trees/scrub/hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect nesting birds and other wildlife and to comply with Policy NE4 of the North Herts Local Plan

25. The development hereby permitted shall be carried out in accordance with the recommendations contained within the submitted Ecological Walkover report by Arbtech (November 2024).

Reason: To maintain a satisfactory level of nature conservation over the site and to comply with Policy NE4 of the North Herts Local Plan

## Proactive Statement

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

### Informative/s:

#### 1. Highway informatives:

Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:  
[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)

AN) 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.

AN) 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.

AN) 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.

AN) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their

satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

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

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

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

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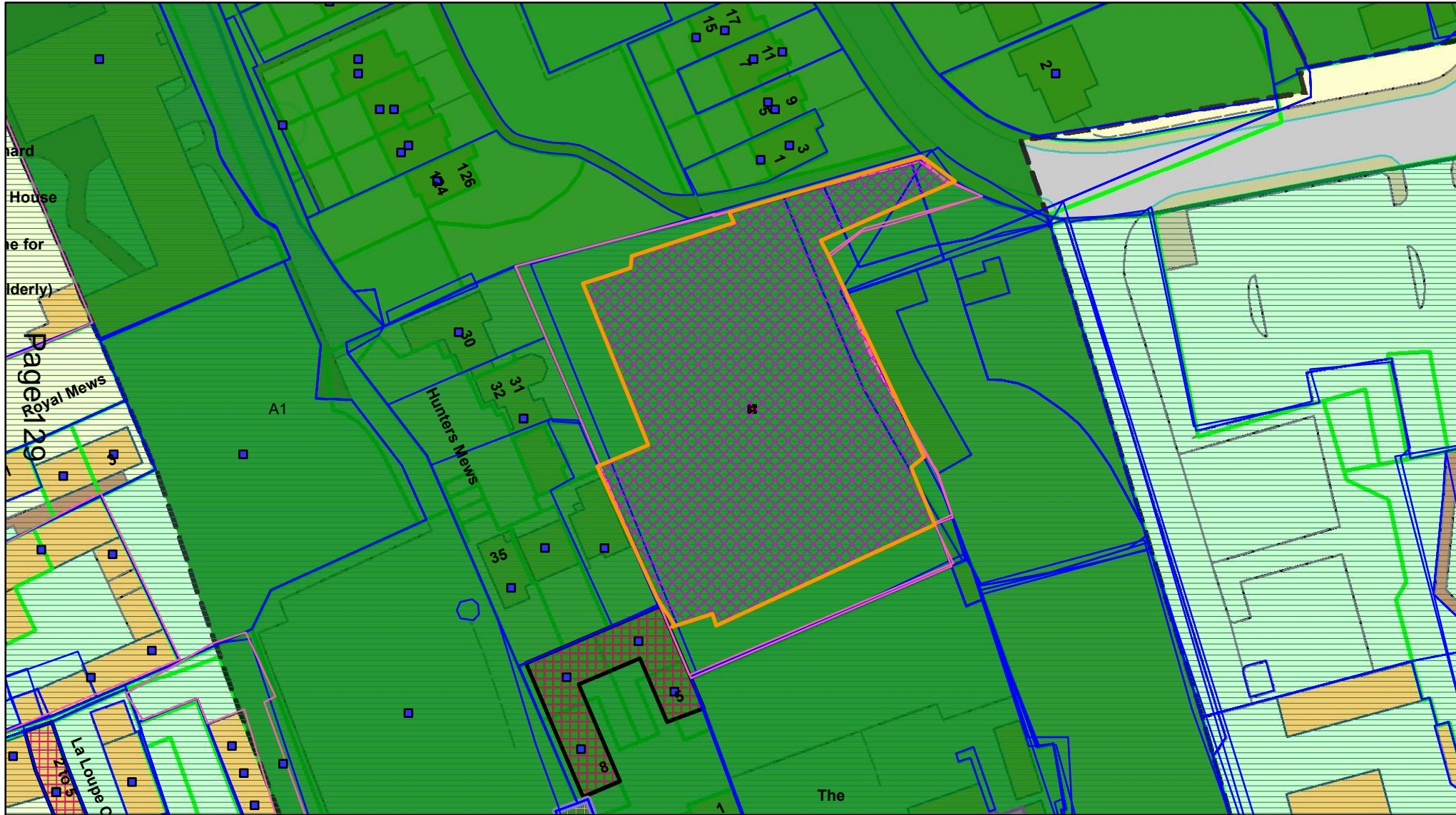




**North  
Herts**  
Council

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

25/00104/FP Land to the Rear of Banyers Hotel, King James Way, Royston, Herts, SG8 7BZ



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<u>Location:</u>	<b>Ivy's Cottage Smiths End Lane Barley Royston Hertfordshire SG8 8LH</b>
<u>Applicant:</u>	<b>Mr Andrew Noades</b>
<u>Proposal:</u>	<b>Erection of one detached self-build 2-bed retirement dwelling and ancillary works (additional plans received 16.04.2025).</b>
<u>Ref. No:</u>	25/00309/FP
<u>Officer:</u>	<b>Henry Thomas</b>

**Date of expiry of statutory period:** 05/05/2025

**Extension of statutory period:** 18/07/2025

**Reason for Delay:** Amended plans received and waiting for an available committee meeting.

**Reason for Referral to Committee:** Barley Parish Council have objected to the application, Cllr Joe Gaziano acting as Ward Advocate has supported their comments with a 'Call In' for the following reasons:

*"There are two key issues relating to this site; it is outside the settlement boundary for Barley and within the Barley Conservation Area.*

*The Parish Council considers that the proposed development will erode and cause harm to the significance of the BCA which covers the whole of Smiths End Lane. Many of the existing properties fronting Smith's End Lane are listed; in particular Blythe Cottage and South Cottage which face the site, and Ravello Rose adjacent to the site. These assets make a valuable contribution to the setting of Smith's End Lane and to this part of the BCA, as indeed does the existing verdant gap between Ivy Cottage and Ravello Rose.*

*This proposal would undoubtedly change the character of the built form on the site as a whole and its associated land; given the elevated nature of the site, approximately two meters above the level of Smith End Lane and with a ridge height of some 6.8m, the siting, scale, height and form of the proposed dwelling would cause demonstratable harm to the setting of not only the listed buildings but of all the properties in this part of the BCA."*

## 1.0 **Policies**

## 1.1 **North Hertfordshire District Local Plan 2011 – 2031 (LP)**

Spatial Strategy and Strategic Policies

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2 Settlement Hierarchy and Spatial Distribution

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

Development Management Policies

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy NE4 Biodiversity and geological sites

Policy CGB1 Rural Areas Beyond the Green Belt

Policy CGB4 Existing Buildings in the Rural Area Beyond the Green Belt

## 1.2 **Supplementary Planning Documents**

Design SPD

Sustainability SPD

## 1.3 **National Planning Policy Framework (2023) (NPPF)**

Section 2: Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 8 - Promoting healthy communities

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 16: Conserving and enhancing the historic environment

## 2.0 **Site History**

- 2.1 **22/00852/OP** - Outline application for the erection of one two storey dwelling and garage, gated entrance and adapted access to the highway (all matters reserved except for appearance, layout and scale). **Refused.**

## 3.0 **Representations**

- 3.1 **Site Notice and Neighbour Consultation** – 7 representations received, 4 in objection and 3 neutral comments on the following grounds (summary):

Objections:

- Revised scheme does not overcome objections.
- Loss of light to neighbouring properties.
- Loss of openness.

- Harm to conservation area.
- Development is overpowering and not in keeping with the area.
- Overbearing to neighbours / street scene.
- Harm to wildlife.
- Harmful precedent.
- Overlooking on neighbouring property.
- Harm to neighbouring Listed Building.

Neutral comments:

- Needs inclusion of swift bricks

3.2 **NHC Ecology** – No objection subject to condition.

3.3 **NHC Conservation** –

*This is a rare occasion where I have come to a different conclusion to that of a previous proposal on the same site less than 3 years ago. Subject to a suggested slight modification (chimney stack) and contrary to my recommendation under ref: 22/00852/OP, it is considered that the proposed dwelling will not occasion harm to the significance of Ravello Rose (grade II) or to the character or appearance of the BCA thus satisfying the provisions of Sections 66(1) and 72(1) of the Planning (LB & CA) Act 1990 and will accord with Section 16 of the Framework or Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031. Consequently, I find the proposal **UNOBJECTIONABLE**.*

3.4 **Barley Parish Council** - Objection.

*After careful consideration, Barley Parish Council remain of the view that the proposed development does not comply with the key fundamental policies of the adopted local plan and would cause harm to the conservation area and adjoining listed buildings.*

3.5 **Waste and Recycling** – Insufficient information provided.

3.6 **HCC Highways** – No objection.

3.7 **HCC Archaeology** – No comments.

3.8 **Environmental Health (combined)** - No objection subject to conditions.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 Ivy's Cottage is a two-storey dwelling on the west side of Smith's End Lane. The dwelling is set back from the road and has a large side garden. Although the site is outside the settlement boundary for Barley, there are residential dwellings to the north, east and south of the site. The site is covered by the Barley Conservation Area with several Grade II Listed Buildings within the vicinity, most notable are Ravello Rose Cottage which sits adjacent to the site (south) and Blythe and South Cottage which sit opposite of Ivy Cottage itself (North-East). The site as existing has a few large trees and

hedgerow along the front boundary which screen the site. The site sits approximately 1.2m higher than the ground level of the Highway.

#### 4.2 **Proposal**

4.2.1 Planning permission is sought for the erection of one two storey, 2-bedroom dwelling. The dwelling would have the bedrooms on the ground floor and a living room and kitchen at first floor level. The dwelling would have a first-floor balcony to the rear. This application proposes a self-build dwelling, to be constructed by the applicant for his and his family's own occupation.

4.2.2 The proposed materials are:

**Roof** – Slate tile

**Windows** – White painted timber

**Walls** – Cream Painted render over a red brick plinth

**Doors** – White painted timber

**Boundaries** – 1200 post and wire fence with hedging

**Vehicle Access** – Permeable bridle brick pavers.

4.2.3 The dwelling would be set back approximately 18.5m from the road. Due to the site sitting at a higher ground level, the dwelling would be lowered 0.5m and would be 6.45m tall (excluding chimney) with eaves at 4.3m from the site ground level. The bulk of the dwelling would be 7.6m wide, 10m deep. The ground floor would have a single storey side utility room which would add a further 2.691m of width and front porch adding a further 1m of depth.

#### 4.3 **Key Issues**

4.3.1 The key considerations are:

- The Principle of Development
- Design/Impact on the Character of the Area
- Impact on the Amenities of Neighbouring Properties/Future Occupiers
- Highways and Parking
- Heritage Assets
- Landscaping

#### Planning History

4.3.2 What is now proposed is different to the 2022 scheme in terms of height, form, fenestration, position, and orientation. Whilst weight is given to previous refusals, consideration is also given to the intervening change in National and Local Policies.

#### The Principle of Development

4.3.3 Local Plan (LP) Policy SP2 sets out the hierarchy for new residential development within the District, with the main housing being to allocated sites and then with general development allowed within the category A villages, in-filling within category B villages and development for limited affordable housing and facilities for local community needs meeting the requirements of LP policy CGB2 in category C settlements. This site is located within a semi-rural context which falls outside of the category A, B and C settlements and is an area protected by the designation of Policy CGB1, Rural Areas beyond the Green Belt where there is a presumption against new development.

4.3.4 The criteria of Policy CGB1 states:

*“In the Rural Areas beyond the Green Belt, as shown on the Policies Map, planning permission will be granted provided that the development:*

- a) Is infilling development which does not extend the built core of a Category B village;*
- b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;*
- c) Is strictly necessary for the needs of agriculture or forestry;*
- d) Relates to an existing rural building;*
- e) Is a modest proposal for rural economic development or diversification; or*
- f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.”*

4.3.5 As the proposed development would relate to an existing residential dwelling, Policy CGB4 provides further guidance:

*“Planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:*

- b) Any existing building to be converted for re-use does not require major extension or reconstruction;*
- c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and*
- d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.”*

4.3.6 Given that the proposal does not relate to the paragraphs under CGB1 and seeks to erect a dwelling where there is no previous built form. The proposal does not comply with LP Policies SP2, CGB1 and CGB4.

4.3.7 In this case, it is considered that the Council would not normally be supportive of new residential development in this location, given its isolation away from the main services in Barley. That being said, Smith’s End Lane features 3 clusters of development with dwellings on both sides of the road forming a street scene. The site is located within one of these built-up areas and is essentially an infill plot which adjoins residential properties to the north, south and east.

4.3.8 With regard to infill plots and the Rural Area beyond the Green Belt, there are some appeal decisions of relevance to this consideration. An application for a single detached dwelling in Kelshall (ref: 22/01229/FP) and Ashwell (ref: 21/01745/FP) was refused for

being contrary to CGB1 and SP2 of the Local Plan and its predecessor, Saved Policy 6. Both were subject to appeals that were allowed, where the Inspectors considered that those proposals would not be at odds with the spirit of LP Policy CGB1. The application site is an infill plot within a substantially built-up frontage and is not in an isolated location within the countryside. Whilst it is acknowledged that each application is considered on its own merits, these appeal decisions are material planning considerations.

- 4.3.9 Of relevance in terms of the weight to be given to local plan policies, the Council does not have a five-year housing land supply and therefore the tilted balance set out at paragraph 11(d) of the NPPF is engaged. Whereby, policies in the Local Plan which are most important for determining this application are out-of-date and planning permission should be granted unless (i) the application of policies of the NPPF that protect assets, such as designated heritage assets, provides a strong reason for refusing the development proposed; or (ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 4.3.10 Regarding rural housing the NPPF confirms at paragraph 83 that to promote sustainable development in rural areas housing should be located where it will enhance and maintain the vitality of rural communities, with paragraph 84 confirming that development of isolated homes in the countryside should be avoided. As indicated previously it is considered that the site is not in an isolated location within the countryside.
- 4.3.11 In terms of delivering a sufficient supply of homes, NPPF paragraph 73 confirms that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Medium Enterprise housebuilders to deliver new homes and are often built out relatively quickly.
- 4.3.12 Therefore, in this case, unless the application of NPPF policies relating to the historic environment, indicated that the tilted balance should be disengaged, it is considered that given the location within a substantially built up frontage within the countryside, but close to the settlement of Barley, there conflict with LP Policies SP2 and CGB1 do not present sufficient grounds for refusing planning permission alone.

#### Design/Impact on the Character of the Area

- 4.3.13 LP Policy D1 states that planning permission will be granted for development proposals that respond positively to local context and create or enhance the public realm. LP Policy SP9 further considers that new development will be supported where it is well designed



and located and responds positively to its local context. This is echoed in Section 12 of the NPPF.

- 4.3.14 Smiths End Lane has a relatively mixed character in terms of form, materials and siting from the highway. With exception to the number of thatched properties, the most prevalent character is of rendered properties with gable roof forms. In design terms, the proposed dwelling is considered acceptable because it has been designed with traditional features and materials that reflect the rural setting of Barley. The proposed design and materials would be similar to several of these properties such as Rayments Cottage and New Cottage to the north.
- 4.3.15 Given the density of the dwellings within this cluster of development on Smiths End Lane, it is considered that the infilling of this plot would not be harmful to the rural character of the area but responds positively to the site's local context.
- 4.3.16 The proposed development would therefore accord with Policies SP9 and D1 of the Local Plan and NPPF policies at Section 12 that seek to achieve well-designed places.

#### Impact on Heritage Assets

- 4.3.17 The site is located within Barley Conservation Area and within proximity to several Grade II listed buildings. The conservation officer has stated that:

*"I have reconsidered the heritage aspects of this case. Notwithstanding the contemporary rear elevation with rear external deck/balcony, I find that the improvements to the built form when compared with the scheme 3 years ago can be supported. Ideally, however, I would like to see a side or ridge chimney stack introduced to complement the building's traditional cottage appearance and downpipes introduced that would serve to define side gable proportions. Otherwise, I conclude that no harm would be occasioned to the significance of Ravello Rose or to the character or appearance of the BCA.*

*I advise that it may be prudent to withdraw Class E PD rights if the scheme is recommended for approval and we should also condition sample roof materials and window details."*

- 4.3.18 As such, the proposal has been amended to include a chimney stack inline with the Conservation Officer's comments. The dwelling is set back into the site to retain the sight lines of Ravello Rose Cottage when driving down the highway. It is considered that the proposal would not have any significant impact on the character and appearance of the conservation area. The proposed materials and design are considered sympathetic to the locality and the conservation area and there would not be any harm to the heritage significance of the conservation area. The proposal therefore complies with Policy HE1 of the Local Plan and Section 16 of the NPPF.

#### The Impact on Neighbouring Dwellings/Future Occupiers

- 4.3.19 Policy D1 of the Local Plan also requires that development proposals meet or exceed the nationally described space standards. Policy D3 of the Local Plan states that

planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. These considerations are echoed within Section 12 of the NPPF.

*Impact upon Ravello Rose Cottage*

- 4.3.20 The proposed dwelling would be set off the boundary with Ravello Rose Cottage by 4.88m. It would have a minor projection beyond the neighbour's flank elevation and would be oriented away to prevent overlooking. Two side windows are proposed on this elevation, they both would serve a bathroom and are obscure glazed, this would be secured by condition, thereby avoiding loss of privacy for occupiers of this neighbouring cottage. Ravello Rose Cottage has three windows which face towards the site, the two which would be affected by the development appear to serve a bathroom or a non-primary habitable room as such. However, given the distance to the proposed dwelling and relative positioning, the proposal would not result have an impact upon outlook that would lead to significant harm to the living conditions of occupiers. The orientation and the distance between these dwellings would not result in any significant loss in sunlight or be considered overbearing.

*Impact upon Ivy Cottage*

- 4.3.21 The bulk of the proposed dwelling would be set away from Ivy Cottage by approximately 14m. Both dwellings would retain a suitable sized garden. Given the acceptable design and scale, the proposed dwelling would not be harmful to the host dwelling.

*Impact to Nos. 1 – 4 Smiths End Lane*

- 4.3.22 The proposed dwelling would be set approximately 27.8m away from these dwellings. The proposed development would have a height similar to both Ivy Cottage and Ravello Rose and existing screening would be retained. As such, I consider that a dwelling in this location would not be significantly harmful to their residential amenity.

*Impact to future occupiers*

- 4.3.23 The proposed dwelling at approximately 149.6 sqm would comply with the minimum nationally described space standards for a 2 bedroom/4-person property (79 sqm), would have a suitable amount of private amenity space, and would see all habitable rooms achieve suitable levels of natural light. It is therefore my view that the proposal would not result in any harm to the reasonable living conditions and well-being of future occupiers.

- 4.3.24 As such, the scheme will not give rise to any materially adverse impacts upon the reasonable living conditions and well-being of neighbouring properties and would provide acceptable living conditions for future occupiers. This is in accordance with Policies D1 and D3 of the Local Plan.

#### Highways and Parking

- 4.3.25 The site would be accessed via the existing access which serves Ivy Cottage. The Highway Authority have formally commented on this application, stating no objection with informatives. It is not considered that a single dwelling in this location would have a significant material impact on traffic and highway safety in this area. The proposal provides adequate space to allow for vehicles to turn and exit the site in forward gear.
- 4.3.26 The provision of 2 parking spaces and a cycle store would satisfy the requirements under Policy T2 of the Local Plan.

#### Landscaping / Ecology.

- 4.3.27 The proposal would retain the existing screening to the front and rear of the site. The proposed development is for a self-build dwelling and is being developed for occupation by the applicant. As per the BNG regulations, the development is therefore not required to deliver at least 10% of BNG. Policy NE4 requires proposals to demonstrate measurable gains of BNG, and given the landscaping within the site at present, I consider that the development would result in some enhancement of ecological assets. Furthermore, the implementation of enhancements, as required by the Ecology consultee response, is considered to meet the requirements of this policy.

#### Waste Storage

- 4.3.28 It is considered that the proposal would have ample room to site the bins adjacent to the dwelling, the resident will be required to drag the bins to the end of the driveway for collection in line with the neighbouring dwellings.

#### Sustainability and Environmental Implications

- 4.3.29 Section 14 of the NPPF sets out how the planning system should support the transition to a low carbon future. The principles set out in Section 14 are reflected in Policy D1 of the North Herts Local Plan, which sets out that development proposal should take all reasonable opportunities to reduce energy consumption and waste, retain existing vegetation and propose new appropriate planting, and future proof for changes in technology and lifestyle.
- 4.3.30 The scheme would also incorporate 6 solar PV panels on the southern gable roof. These are sustainable additions to the proposal which are considered acceptable and a benefit of this scheme.
- 4.3.31 The proposed development, would have no significant implications for the local environment in terms of carbon emissions. Objections have been raised in terms of possible flooding issues and foul drainage, neither of which are considered to be significant in terms of the siting of a single new dwelling and should be adequately controlled by building regulations. I am therefore satisfied that the proposal would be generally in compliance with Section 14 of the NPPF and Policy D1 of the Local Plan.

#### Other Matters

- 4.3.32 Although Environmental Health has requested a condition for an EV Charger. This is now a building regulation requirement; therefore such a condition would not be required.

- 4.3.33 Given the relatively constrained nature of the site, and heritage considerations, it is deemed necessary that the Permitted Development Rights for classes A to E of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, be removed by condition to control future development on the site.

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

- 4.4.1 The Council does not have a 5-year supply of deliverable housing land. Therefore, the titled balance set out at NPPF paragraph 11(d) is engaged.
- 4.4.2 Benefits would arise from the proposed development. In terms of the economic benefits, jobs would be created for a small or medium sized housebuilder in the construction and fitting out of the development and the proposal would make a modest contribution to the vitality of the nearby settlement of Barley. There would be social benefits arising from the delivery a single dwelling in a sustainable rural location, which would make a modest contribution to the local housing stock.
- 4.4.3 Whilst the proposal conflicts with Policies SP2, CGB1 and the general aim of the Rural Area Beyond the Green Belt of the Local Plan, the proposal is infill development which would not be harmful to the rural character of the area or the Conservation Area and the setting of adjacent listed buildings.
- 4.4.4 In terms of external materials and general design, the proposal would be sympathetic to the Conservation Area and neighbouring Listed Buildings. The proposal would be acceptable in terms of its impact in the amenities of neighbouring dwellings/future occupiers, highways, parking, landscaping, and impacts on the nearby listed building. The scheme would also incorporate sustainable methods of power generation.
- 4.4.5 The Council cannot demonstrate a five-year supply of deliverable housing sites – currently estimated at 3.9 years' worth of supply. As the proposal would not conflict with NPPF policies that seek to conservation and enhance the historic environment, the titled balance of NPPF 11 (d) is not disengaged. There are no adverse impacts that would significantly and demonstrably outweigh the benefits that would arise from the proposal and therefore there is a presumption in favour of the proposed development and planning permission should therefore be granted on that basis, subject to the proposed conditions.

#### 4.5 **Alternative Options**

- 4.5.1 N/A

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

- 4.6.1 The applicant has been contacted to seek agreement to the pre-commencement conditions and Members will be updated at the meeting.

#### 5.0 **Recommendation**

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

##### Conditions

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

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

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

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

3. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures and hedgehog holes in fences, has been submitted to and approved in writing by the local planning authority. The approved measures must be implemented on site prior to occupation retained on site thereafter.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework.

4. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

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

5. The windows at first floor level on the south-east elevation of the development hereby permitted shall be permanently glazed with obscure glass.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling and to comply with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument

which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policies, D1, D3 and HE1 of the North Hertfordshire Local Plan 2011 to 2031.

7. Details and/or samples of materials to be used on 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.

8. Details and/or samples of window materials 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.

9. Prior to the occupation of the development hereby approved, details including materials and elevations of the cycle store shall be submitted to and approved in writing by the Local Planning Authority.

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

#### Proactive Statement

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

#### BNG Statement

This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions

(<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

### Informatives

#### **Extent of Highway:**

Information on obtaining the extent of public highway around the site can be obtained from the HCC website: [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)

#### **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.

#### **Gravel / shingle driveways:**

Where loose gravel or shingle is used, a suitable measure to prevent material spilling onto the road/footpath/verge must be installed. It is an offence under section 148 of the Highways Act 1980 to deposit debris onto the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Further information is available by telephoning 0300 1234047.

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**PLANNING CONTROL COMMITTEE**

**DATE: 17 July 2025**

**PLANNING APPEALS DECISION**

<b>APPELLANT</b>	<b>DESCRIPTION</b>	<b>SITE ADDRESS</b>	<b>REFERENCE</b>	<b>APPEAL DECISION</b>	<b>COMMITTEE/ DELEGATED</b>	<b>COMMENTS</b>
Mr Parm Basra	Erection of one self-build detached 3-bed bungalow with associated parking and landscaping	10 St Katherines Close Ickleford SG5 3XS	24/02752/FP	Appeal Dismissed on 23 June 2025	Delegated	The Inspector stated that the scheme would significantly harm the character and appearance of the area. It would thereby conflict with Policies SP9 (Design and sustainability) and D1 (Sustainable design) of the North Hertfordshire Local Plan 2011 - 2031 (NHLP). Amongst other things, and in general terms, these require development to be well designed and located, and to respond positively to the site's local context. The Inspector also stated that in the context of this area, where the residents could reasonably expect a relatively spacious and uninterrupted rear outlook, the scheme would have a significant and harmfully adverse impact on the living conditions at Nos 8 and 12, and it would thereby conflict with NHLP Policy D1 (Protecting living conditions).
Laura Leeson	Hip to gable roof extension to include insertion of	68 Chiltern Road	24/01489/FPH	Appeal Allowed on	Committee	The Inspector concluded that the proposed development would not

	rooflights to front roofslope and insertion of box dormer to rear roofslope to facilitate conversion of loftspace into habitable accommodation. Erection of single storey side and rear extension and front entrance porch. Alterations to fenestration and external materials, insertion of coursing to side gable wall at eaves level, formation of rear access steps and provision of two parking spaces at front, following demolition of existing detached garage.	Baldock Hertfordshire SG7 6LS		23 June 2025		have an unacceptable effect on the character and appearance of the host dwelling and the surrounding area. It would comply with Policies D1 (Sustainable design) and D2 (House extensions, replacement dwellings and outbuildings) of the NHLP (2022), which amongst other matters require that development proposals respond positively to the site's local context, are sympathetic to the existing house and do not dominate adjoining properties.
Mr Oscar Briggs	Erection of 14 dwellings including creation of access from Ashwell Street, footpath link to Lucas Lane, associated infrastructure, public open space and landscaping	Land Between Huntsridge And Ashwell House 5 High Street Ashwell Hertfordshire	22/03094/FP	Appeal Allowed on 30 June 2025	Committee	The Inspector stated that the proposal would deliver 14 dwellings and therefore it would make a clear and valuable contribution to the shortfall of homes. Noting the suitable location of the site within the village there would be a benefit to future occupiers who would have access to services and facilities without necessarily being dependent upon the car, as identified in Framework paragraphs 110 and 115. The Inspector therefore attached significant weight to the benefit of housing, even at 14 homes, in the

						context of a Category A village (identified as being capable of supporting housing allocations in the NHLP).
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**PLANNING CONTROL COMMITTEE  
PLANNING APPEALS LODGED**

**DATE: 17 July 2025**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Mr Paul Brown	04 June 2025	Raise existing roof ridge height and replace existing slate roof coverings with fibre cement slates and flush mounted photovoltaic panels following removal of existing roof vent.	The Old School House 4 Market Hill Royston SG8 9JL	24/02696/FP	Written Representations

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## Appeal Decision

Site visit made on 20 March 2025

**by K Williams MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 27 JUNE 2025**

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**Appeal Ref: APP/X1925/W/24/3349177**

**Land north of Ashwell Street, Ashwell SG7 5LN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Oscar Briggs, Manor Oak Homes against the decision of North Hertfordshire District Council.
  - The application Ref is 22/03094/FP.
  - The development proposed is for a full planning application for the erection of 14 dwellings including new access from Ashwell Street, footpath link to Lucas Lane, associated infrastructure, public open space and landscaping on land north of Ashwell Street between Hunt's Ridge and 22 Lucas Lane, Ashwell, Hertfordshire.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a full planning application for the erection of 14 dwellings including new access from Ashwell Street, footpath link to Lucas Lane, associated infrastructure, public open space and landscaping on land north of Ashwell Street between Hunt's Ridge and 22 Lucas Lane, Ashwell, Hertfordshire at Land north of Ashwell Street, Ashwell, SG7 5LN in accordance with the terms of the application, Ref 22/03094/FP, subject to the conditions in the attached schedule.

### Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024 after the submission of the appeal. The main parties have been able to respond to this. I have taken these comments into account and all references to the Framework in this decision are to the revised version.
3. The Council's third reason for refusal relates to the absence of a planning obligation to secure affordable housing and mitigation for local infrastructure. A signed legal agreement between the landowner, appellant, North Hertfordshire District Council and Hertfordshire County Council under Section 106 of the Town and Country Planning Act 1990 (as amended) (the S106) was submitted at an early stage with the appeal. The Council has had the opportunity to comment and confirmed that it is therefore no longer pursuing the third reason for refusal. I have determined the appeal on this basis.
4. The appellant has submitted amended plans and documents during the appeal. An appeal should not normally be used to evolve a scheme and it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties. It is however for the Inspector to determine whether, exceptionally, to accept any revised plans that are submitted during the appeal process.

5. The revisions do not alter the description of development, the number of dwellings proposed, the areas where housing would be located, the tenure or disposition of bungalows, affordable homes or the main points of vehicular access. There would be little difference in how the development would function overall. The amendments are made to address a potential boundary issue to the east of the site, and essentially for the reinstallation of the 3 metre wide landscape buffer, along the eastern boundary which was part of the original application. The changes would not involve a substantial difference or a fundamental change to the application or prejudice interested parties. The Council were notified of these revisions at an early stage of the appeal. The Council has not raised any concerns regarding these. Furthermore it is evident that interested parties, including Ashwell Parish Council were aware of the appellant's intention to address this issue. Therefore, and in terms of the *Wheatcroft*<sup>1</sup> and the more recent *Holborn Studios*<sup>2</sup> judgment, the proposed amendments are acceptable. Any implications for this are addressed in my reasoning below.
6. Section 16(2) and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard is given to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act relates to Conservation Areas and requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. I am also mindful of the historic environment policies within the Framework that relate to the significance of designated heritage assets and their settings.

## Main Issues

7. The main issues are the effect of the proposal on the character and appearance of the local area and the extent to which it would preserve or enhance the Ashwell Conservation Area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of nearby listed buildings; and if harm arises, whether this is outweighed by other considerations including public benefits.

## Reasons

8. The appeal site comprises a regularly shaped pleasant pasture field, located within the village of Ashwell. The site is within the settlement boundary of the village. Ashwell is situated within a river valley, with hills rising both to the south and north. The village is situated within a pronounced rural and agricultural landscape setting, with open fields, hedgerows, and paddocks surrounding the built-up area. The site occupies an elevated position within the village. Its northern boundary adjoins the rear gardens of homes along Lucas Lane, while the unmade Ashwell Street, a byway open to all traffic, runs parallel to its southern edge. Land levels on the appeal site fall significantly from south to north. As such, the localised topography and open character allows for long views from within the site to the north.
9. The site is not allocated for housing. The Council advise the overarching principle of housing development at the appeal site is in accordance with Policies SP1 and SP2 of the North Hertfordshire Local Plan 2012- 2031 (the Local Plan). Ashwell is a Category A Village, identified as being capable of supporting housing allocations. The proposal would provide 14 dwellings. This would include affordable homes

<sup>1</sup> *Bernard Wheatcroft Ltd v. Secretary of State for the Environment and Another*, JPL 1982, P37

<sup>2</sup> *Holborn Studios Ltd v. The Council of the London Borough of Hackney* [2017], EWHC 2823 (Admin)

and bungalows. The overall housing mix would comprise six 2-bed, six 3-bed and two 4-bed homes.

10. The site is in Ashwell Conservation Area (the CA). It also falls within the setting of numerous listed buildings, Scheduled Ancient Monuments and non-designated heritage assets. The Ashwell CA is a substantial area that encompasses much of the village. It displays numerous impressive buildings, including St Mary's Church. The significance of the CA stems from its long historic evolution, its archaeology, diverse and impressive architectural character, social history, and the historic layout of its streets and spaces. A critical component of the CA's significance is the relationship between the historic settlement and its surrounding agrarian landscape setting, which is appreciated through the visual and physical interrelation between these elements.
11. The undeveloped appeal site allows views from the edge and within the CA. It provides visual and historic links to the setting of the village and its development. The absence of development on the appeal site, and its rarity of being the last area of undeveloped land, a remnant of a single former extensive system of small fields extending back to Ashwell Street, increases, rather than diminishes the significance of the site within the CA. Notwithstanding that the site is not publicly accessible, the rural characteristics of the site and undeveloped nature make a very positive contribution to the significance of the CA.
12. Particular reference has been made to special viewpoints emanating from near to the existing field gate of the appeal site. These are identified as Key View KV23 in the Ashwell Conservation Area Character Statement 2019 (the CACS) and Viewpoint 10 (V10) in the Ashwell Conservation Area Character Appraisal and Management Plan, 2023 (the CAMP). The Ashwell Neighbourhood Plan, Referendum Version December 2021 (the NP) also identifies this as Locally Significant View 12 (SV12).
13. The identified viewpoints mainly encompass most of the northern boundary. There are views of homes along Lucas Lane, part of the core village street pattern, which like buildings to the east, such as Townsend House, are seen nestled within landscape features. From my observations the views are consistent with the brief description of the viewpoints in the CACS, CAMP and the NP which primarily focus on the village setting, topography, open space, and rural tranquillity as opposed to the relationship with any particular listed building or non-designated heritage asset.
14. As a result of the development, the views towards the northern part of the site encompassing the setting of the village, would be seen against a change in context as the 14 homes would be located to the east of the proposed internal access road. Views across the site would be seen in the context of hard landscape, drives, front gardens, boundaries, parking areas and ornamental planting. The introduction of development, ornamental landscape features, hard infrastructure and changes to landform would undoubtedly permanently alter the character through urbanisation of the undeveloped and open rural appeal site. The full panoramic viewpoints, which enable the appreciation of the village's landscape and topographical setting, would therefore be compromised by development.
15. However, a significant portion of the appeal site would remain free from built development in the western extents of the site, along the north/south axis. This would provide public open space for the development and wider village. As such

the ability to view the village in the context of undeveloped land within the western part of the site would remain. The provision of this space along the north/south axis between the rear of properties on Lucas Lane and Ashwell Street enables some continuing understanding of the site's origins as part of a historic field system. There would also be footpaths through the site from Ashwell Street to Lucas Lane, which would alongside the public opens space increase public access to these views.

16. The landscape features, topography, and existing homes to the north, east and west result in the site being visually well contained in its wider landscape setting and as part of the village. The lower height of the proposed development at longer distance views would not be prominent and mainly comprise the presence of roofs, which would also amalgamate with the village setting and the CA.
17. The design of homes would comprise a low density development of high quality and traditionally designed properties with interesting architectural features which would not be out of place in the rural setting and when seen against the existing context of the village to the north. Therefore the proposal would not completely obscure or erode the identified key views and the development, with landscaping, would not look out of place in this context.
18. However, the development would detract, to a moderate degree, from the appeal site's positive relationship with the settlement, the surrounding landscape and therefore the significance of the CA. However, I find that much of the overall significance of the Ashwell CA would endure after the proposal.
19. The Council also asserts harm would arise through the effect on views towards the Grade I listed St Mary's Church, 5 High Street and Townsend House, which is argued further weakens the significance of the CA. The Church is a main landmark. The distinctive tower and slender spike is a highly visible and a prominent marker. Insofar as it is relevant to the appeal, the special interest of the Church is derived from its communal value as a place of worship, the presence of the tower throughout the village, and its architectural quality. I find that the appeal site's contribution to the setting of the Church is related to important visual connections and views towards it from within the site, as a prominent landmark within the wider landscape setting of the village and the CA. I find that the appeal site does make a small contribution to the significance of the setting of the listed building.
20. The two buildings identified by the Council as Buildings of Local Interest (BLI) in its reason for refusal are not identified in the CACS, the CAMP or the NP. Nevertheless, the appellant has considered these as though they are non-designated heritage assets. The property at No 5 is a large early 20th-century detached house in a Queen Anne style. Townsend House is a large mid-19th century stuccoed villa. From my observations and the evidence before me the significance of these buildings is derived from their historic fabric and quality of design. With No 5, there is also a relationship with the Church. The BLI therefore draw some significance from their remaining rural setting in the CA. As a rural undeveloped field, the site therefore makes a contribution to their significance.
21. Within the appeal site there is a particularly pleasing view of open land, with the St Mary's Church tower rising above the prominent building at 5 High Street. This combined view is revealed and concealed as the site is traversed. As a result of

development this view would not be the same quality as currently exists. This would be limited to within the site and therefore distract, to a small degree from appreciation of No 5 together with the Church within its rural setting. However, St Mary's Church and No 5 together and individually would remain a presence over the appeal site and the CA.

22. Other identified key views within the village also clearly reference St Mary's Church, therefore the view of the Church tower is not unique. The proposal would acknowledge the individual and combined views within the appeal site, and it would be accommodated through the introduction of a 'new view corridor,' an open area retained between homes. There would also be the introduction of public access to this view, where none has recently existed. The western area of open space seen in the foreground of this view would also provide some similar visual context that would be similar to that which presently exists. The contribution of the appeal site to the setting of the St Mary's Church and No 5 as part of the wider open, agricultural context would be recognised.
23. The above factors would help moderate the cumulative urbanising impact of the proposed development towards this view. As such, I find that much of the setting and special interest of the Grade I Listed St Mary's Church would endure, as would its contribution to this part of the CA. The setting here makes only a small contribution to the overall significance of the Church and No 5, and the site is only part of that setting. As a result, I find that the harm to the significance of St Mary's Church and No 5 through development in its setting would be minor, and less than substantial in the terms of the Framework.
24. The whole panorama of the aforementioned identified key views takes in the side boundaries and thus Townsend House is also visible. There would be a degree of interference to the contribution the view towards this properties makes to the CA. The effect of the proposal would be to clearly obstruct views as a result of the siting of plots one to four. However, landscape features on the eastern boundary and the property at East Lodge obscure the building, with the hipped roof and the chimneys of Townsend House mainly being visible. The effect on Townsend House would not be pronounced given the greater distance and intervening development which provide for physical and visual separation. I consider the effect to be marginal, there would be some very minor harm arising from development within the setting of this non-designated heritage asset causing less than substantial harm to its significance.
25. Ashwell Street itself is an historic route, which the evidence suggests is a Roman Road or ancient track. The distinct rural character of Ashwell Street is influenced by the earth banks, landscape features and the trees that have an enclosing effect upon it. Despite the existing nearby homes preceding the arrival at the site, there is a feeling of calm isolation, which provides a tranquil and intimate character along this route. The open nature of the appeal site makes an attractive and very positive contribution to character and appearance of Ashwell Street, which in turn positively benefits the setting of the village and the CA. The proposal would have a permanent effect and would erode the positive elements attributable to Ashwell Street harming the character and appearance of the area, and the contribution made to the setting of the CA.
26. However, being sited only a short distance from the expansive Woodforde Close, East Lodge, Townend House and Hunts Ridge, the inclusion of residential built



form and new homes would not appear wholly incongruous. The low density nature of the development would not overwhelm the character or layout of the large properties adjacent to the site. The majority of built development would also be located further into the site avoiding a hard edge along Ashwell Street. Although there would be tree removals to facilitate the new access, vegetation retained on the southern boundary along with the provision of proposed street trees would, over time, reduce the starkness of any new development. Suitable low key surfacing materials could also be used.

27. The wider landscape to the south contains evidence of prehistoric activity and occupation. However, the land immediately south of the appeal site situated between Station Road and Kingsland Way, comprises a strip of open arable land including Bronze Age ring ditches which are protected as an Ancient Scheduled Monument. The proposed development therefore may have an impact on archaeology, including wreckage from more recent events from aircraft used in the Second World War. However, the Council, have cited the provision of conditions for a larger scheme on the site was acceptable. Thus, it has not been demonstrated that such conditions would not be suitable to ensure that if any archaeological matters arise these can be appropriately considered.
28. Overall the proposal would not preserve or enhance the CA and it would harm the character and appearance of the area, namely that of Ashwell Street. The proposal would fail to preserve the setting of the Grade I St Mary's Church causing harm to the special interest and significance of the Church as a designated heritage asset and No 5 and Townsend House as non-designated heritage assets and the contribution these make to the CA.
29. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation (and the more important the asset, the greater the weight should be). Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
30. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. There is no dispute between the parties that the proposal would result in less than substantial harm to the significance of the CA. However, the Council has set out in its reason for refusal that the level of harm would be moderate to high on the less than substantial scale. The advice from Historic England places the level of harm as moderate. The appellant's own assessment puts the harm at the lower end of the less than substantial scale.
31. The proposed development would impact negatively on the identified key views, and the CA, which would be at a moderate level. It would impact negatively on the setting and significance of the Grade I listed St Mary's Church to a minor degree. There would be a very small degree of impact upon the BLI the Council identified in its reason for refusal. However, the special interest of the wider designated heritage assets would be recognised due to the provision of large areas of undeveloped public open space. The considered layout, low density design of the homes and landscape would moderate the urbanising effects of the proposal. The totality of the effects would be limited to within the appeal site and its immediate

environs. I consider this to be very finely balanced given the cumulative number of assets affected. However, the mitigating factors I have identified, I find that the harm would be at the moderate level of the scale of less than substantial in this instance.

32. In conclusion, taking all of the above points together the proposal would cause harm to the significance of the CA and would fail to preserve its character and appearance, and that of the area. Policy HE1 of the Local Plan reflects the requirements of Framework paragraph 215. This advises that harm should be weighed against the public benefits of the proposal. In order to do this in a comprehensive manner, the wider planning benefits that coincide with public benefits need to be set out.
33. Such requirements, to weigh harm against public benefits are not set out in NP Policies ASH3 and ASH8. Together, and insofar as they relate to the appeal, these seek, to conserve and enhance the CA, safeguard key views identified in the CACS, and make a positive contribution to the village. As such I find the proposal would be in conflict with these NP Policies.

### **Other Matters**

34. Paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related; and fairly and reasonably related in scale and kind to the development.
35. The signed and completed S106 Agreement secures the delivery of agreements relating to securing five affordable homes and the layout and delivery for arranging the management of public open space. It also includes financial contributions primarily towards a new pavilion at Ashwell recreation ground, libraries, secondary schools, special school places and young people's centres serving the development. Contributions are also secured for the new fire station at Royston, the new waste North Transfer station and local transport schemes identified in the North Central Hertfordshire Growth and Transport Plan or other similar provisions of these that would serve the development.
36. Having regard to the above, and based on the evidence before me, I am satisfied that the proposed contributions are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with the Framework and CIL Regulations. The contributions in the S106 Agreement and how they would be spent are supported by the relevant local plan policies, representations from the Council's consultees and CIL compliance statement. There is no substantive other evidence before me which would indicate that the available services and facilities would not have sufficient capacity to accommodate demand arising from the development beyond those that require the provisions of the planning obligations.
37. Other Concerns have been raised, including by local residents, that go beyond the reasons for refusal. Primarily these relate to the need for homes, transport effects, flood risk, ecology, the effect on trees, boundary matters and the effect on living conditions for existing and future occupiers.

38. These matters were largely identified and considered within the Council officer's report on the appeal scheme at the application stage. They were also before the Council when it prepared its evidence for the appeal. The Council has not concluded that they would amount to reasons to justify withholding planning permission.
39. The safety of nearby junctions of Ashwell Street, Kingsland Way and High Street have been referred to. There are also concerns about increased traffic and the effect of the proposal on Ashwell Street in terms of pedestrian safety. However, the anticipated traffic generated, and suitability of the proposed access was assessed by the County Highway Authority, who did not wish to restrict planning permission subject to conditions. I have no substantive evidence before me that the highway effects and safety implications of the proposal would not be safe for all road users or not just as accessible as the existing homes in the village.
40. It has been stated that flooding is an issue in the area, and that additional development could exacerbate the risk, particularly to homes at a lower level. However the Lead Local Flood Authority has recommended several conditions to control surface water. It has not been demonstrated that the development cannot connect to foul sewers or that these do not have adequate capacity for 14 homes.
41. No fundamental ecological constraints were found, nor have any concerns regarding Ashwell Springs, a protected Site of Special Scientific Interest (SSSI), which supports a cold water invertebrate community, been raised. No objections have been made by the Council or its Ecologist on this matter. From the evidence before me, the ecological designations identified and assessed by the appellant in the desktop study, including the SSSI, are well removed from the site and it has not been demonstrated that the proposal would be unacceptable in these regards. Conditions can be imposed for mitigation measures, including during construction, and for the long-term management of ecological features.
42. Concerns have been raised about the impact on trees and hedges around the site boundaries. I have no substantive evidence that the proposed development would now encroach into the RPAs, that they are incorrectly plotted or would be likely to interfere with living conditions for future occupiers. The amended plans were to address this issue. Any trees on third party land are outside the application site, and within the CA, and therefore afforded a degree of protection.
43. The Council considers that due to the separation distance between the proposed and existing homes surrounding the site, and the presence of mature landscape on the shared boundary, that there would be no material harm to the living conditions and well-being of these neighbours. I have considered the amended plan in this regard and do not find it to have negatively altered the relationship between neighbouring properties. This includes considering issues of overdominance, loss of privacy, and loss of daylight/sunlight. The proposed pedestrian route to Lucas Lane is perceived to increase security risks for immediate neighbours and those using the path. I share some of these concerns. However, the scheme purports to have considered the Secured by Design principles. The footpath to Lucas Lane is also of relatively straight alignment which would allow those using it to survey their route as well as natural surveillance from proposed homes. A condition could be imposed in relation to suitable boundary treatment to ensure neighbours are not overlooked.



44. There is also a perception that concentrating houses on half the site is an intention to develop the remainder of it. However, this would be designated as public open space, secured and maintained by the mechanisms within the S106. The provision of this area has been fundamental to the appellant's design considerations. In any event each scheme must be judged on its own merits. The timing of planning submissions in relation to Parish Council meeting schedules is not within my remit to consider.

### **Heritage and Planning Balance**

45. The Council has provided a copy of its latest five-year housing land supply figure from May 2024. They confirmed that its supply stands at less than this at 3.9 years. Taking into account the Council's December 2021 Monitoring Report, it is claimed that there is a deficit of 1,359 homes against the housing requirement. The Council maintains that within the context of 117 homes having being granted permission or built in Ashwell and a recently adopted Local Plan, which has allocated several major sites and many smaller sites for housing, that the proposed 14 homes would make a modest contribution.
46. When considering the Government's objective of significantly boosting the supply of homes as set out in Framework paragraph 61 and in the context of an acute national housing crisis, it is clear the allocations the Council has referred to are not a ceiling for the number of homes. In any event I have very little information on the make-up or progress of these allocations and developments and there is no indication before me that the resolution of the shortfall is imminent or any steps the Council are making in response. The Framework sets out how small and medium sized sites, such as this site, can make an important contribution to meeting the housing requirements of an area and are often built-out relatively quickly.
47. The proposal would deliver 14 dwellings and therefore it would make a clear and valuable contribution to the shortfall of homes. Noting the suitable location of the site within the village there would be a benefit to future occupiers who would have access to services and facilities without necessarily being dependent upon the car, as identified in Framework paragraphs 110 and 115. I therefore attach significant weight to the benefit of housing, even at 14 homes, in the context of a Category A village.
48. The evidence suggests the Council has not met its targets in delivering affordable housing over recent years. The Council acknowledges that the proposal provides one additional affordable home above from the policy requirement of 25%. The provision of affordable homes equates to 35%. The proposal is in accordance with Local Plan Policy HS2. However, overall the provision of five affordable homes is a clear social benefit, which in the context of home ownership being out of reach to many, I thereby attach substantial weight.
49. The proposed homes would all meet the requisite internal space standards. All homes would meet the Building Regulation Standard M4(1), 50% would meet M4(2) 'Accessible and Adaptable dwellings' and 14% will additionally meet M4(3) 'Wheelchair User dwellings'. Due to only two homes being provided, the benefits of M4(3) dwellings is given moderate weight.
50. Furthermore, notwithstanding any shortcoming in relation to existing baseline assessments, the proposal is still expected to achieve a biodiversity net-gain exceeding 10%. Additional public open space provision, including a public footpath

would result in the locality. As well as enhancing access within the village for existing residents, it would provide an area where health and well-being would benefit, and I attach significant weight to these environmental benefits.

51. I note the appellant's point that the development and public access could allow a greater appreciation of the heritage assets though a new view corridor, some of which are not presently possible. However, this would be at the expense of the vestiges of its rural setting. I therefore afford this benefit limited weight.
52. In addition to providing employment during construction and maintenance, the proposal would result in economic benefits by virtue of additional local spend. Additional economic activity here would, in all likelihood, be of benefit to the local community. Given the scale of the development, I ascribe the economic benefits of the scheme moderate weight.
53. The appellant's evidence suggests that the proposal would incorporate some energy efficient measures, such as electric vehicle charging points, energy efficient glazing and water efficiency. How this would be achieved has not been demonstrated, no firm commitments have been made and the benefits have not been quantified. I therefore attach limited weight to these matters.
54. All technical details and matters relating to highways, flood risk and drainage, ecology, landscape, trees, archaeology, and contamination can be satisfactorily dealt with or made acceptable through the imposition of planning conditions and the S106. Although the Council has not raised concerns about the design, these are matters which all development should satisfactorily meet. I therefore attribute neutral weight to these.
55. I am conscious of the advice in the Framework that great weight should be given to the conservation of heritage assets, and the more important the asset the greater the weight should be. I have gauged that harm to equate to less than substantial harm at a moderate level on the scale. I ascribe the overall moderate level of less than substantial harm to designated heritage assets that would be caused by the proposed development considerable importance and weight.
56. However, the above elements of the proposal would provide clear socio-economic and environmental benefits to the local area. The various social, economic and environmental benefits of the scheme, range from substantial to limited in terms of weight. Notwithstanding my views on the harm to heritage assets, together, to my mind, these amount to a notable combination of public benefits. The scheme would collectively provide clear and convincing public benefits relative to outweigh the totality of the heritage harm.
57. For applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, framework paragraph 11 d) i sets out permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance, which includes designated heritage assets provides a strong reason for refusing the development proposed. This replaces the requirement within the Framework prior to its update in December 2024, when the planning application was determined, whereby a clear reason for refusal would disapply the requirement of 11 d).

58. Given that I have found the public benefits to outweigh the totality of the heritage harm, this does not provide a strong reason for refusing the development. Paragraph 11 d) ii of the Framework is not disapplied. Therefore any adverse impacts of granting permission would need to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
59. The Council has only referred to Local Plan policy HE1 in its reasons for refusal. I conclude that the proposal would be in accordance with Policy HE1 of the North Hertfordshire Local Plan, which sets out planning permission affecting designated heritage assets and their setting will be granted where the harm is outweighed by the public benefits of the proposal.
60. However, the proposal would result in harm to the character and appearance of the area and there would be conflict with the NP Policies ASH3 and ASH 8. Whilst this weighs against the proposal, given my finding above collectively there are no adverse impacts that would significantly and demonstrably outweigh the benefits. With reference to the statutory basis for decision-taking, other material considerations are of sufficient weight to justify granting planning permission.

### **Conditions**

61. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. They have been found to be reasonable and necessary in the circumstances of this case. I have made modest drafting changes for clarity. Conditions relating to the time limits, and approved plans, are necessary to provide certainty.
62. Conditions relating to the safeguarding of wildlife during construction are necessary for their protection. A construction management plan is necessary given the surrounding residential environment to safeguard residential amenity and safety. Conditions relation to land contamination are necessary to ensure that the development is suitable for its end residential use.
63. A condition requiring an archaeological watching brief is necessary to safeguard archaeological assets. Conditions pertaining flood risk and drainage are necessary to ensure suitable implementation and management.
64. A Condition requiring a swept path analysis is necessary to ensure parking spaces are provided and can accommodated large vehicles. Conditions relating to highway works and the provision of access are necessary to safeguard highway safety and in the interests of the amenity of the development.
65. Landscape, ecological, lighting and tree protection conditions are required in the interests of the amenity of the development and to safeguard biodiversity. Conditions are required to ensure the materials used in the proposed development are suitable in the interests of the character and appearance of the area.
66. I have imposed conditions relating to boundary and surface treatments for public footpaths and their maintenance. These are necessary to safeguard the amenity of neighbouring residents and safety. A site waste management plan and electric vehicle charging point condition are required in the interest of sustainable

development. A condition requiring the provision of M4(3) standard dwellings is necessary for certainty. I have imposed a condition restricting permitted development rights, given the low nature and to ensure the envisaged design of the proposal is realised in the interests of the character and appearance of the area.

## Conclusion

67. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be allowed.

*K Williams*

INSPECTOR

## Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and the recommendations supporting approved plans and documents listed or as may have been amended by subsequent conditions of this permission: Site Location Plan A\_2133 EX100 A; Proposed Site Plan A\_2133 PL100 S; Proposed Site Plan A\_2133 PL100 S (Colour); Proposed Tenure Plan A\_2133 PL290 C; Proposed Housing Mix A\_2133 PL300 C; Proposed Parking Plan A\_2133 PL310 C; Proposed Waste Collection Plan A\_2133 PL320 C; Proposed Boundary Plan A\_2133 PL330 C; Proposed Materials Plan A\_2133 PL340 C; Proposed Surfaces Plan A\_2133 PL350 C; Proposed Access 190-TA10 Rev H Landscape Strategy Plan 7615/ASP4 Rev F; House Type 01 Floor Plans (Plot 1 & 8) A\_2133 PL110 A; House Type 02 Floor Plans (Plot 2, 3, 7, & 12) A\_2133 PL120 A; House Type 03 Floor Plans (Plot 4) A\_2133 PL130 A; House Type 04 Floor Plans (Plot 5 & 6) A\_2133 PL140 A; House Type 05 Floor Plans (Plot 9, 10, 13 & 14) A\_2133 PL150 House Type 06 Floor Plans (Plot 11) A\_2133 PL160; House Type 01 Elevations (Plot 1 & 8) A\_2133 PL170 A; House Type 01 & 02 Elevations (Plot 1, 2, 7 & 8) A\_2133 PL180 A; House Type 01 & 02 Elevations (Plot 1, 2, 7 & 8) A\_2133 PL190 A; House Type 02 Elevations (Plot 2 & 7) A\_2133 PL200 A; House Type 02 Elevations (Plot 3 & 12) A\_2133 PL210 A; House Type 03 Elevations (Plot 4) A\_2133 PL220 A; House Type 04 Elevations (Plot 5 & 6) A\_2133 PL230 A; House Type 05 Elevations (Plot 9, 10, 13 & 14) A\_2133 PL240; House Type 06 Elevations (Plot 11) A\_2133 PL250; Arboricultural Impact Assessment Ref:220715 22043 AIA V1f (Origin Environmental); Archaeology DBA and Trial Trenching Report Ref:19/93 and 19/120 (MOLA); Design and Access Statement Rev B AT Architecture Ltd; Ecological Impact Assessment Ref: 1335EcoApp.Rev A, Ashwell Street Excel Metric 3.1 23.08.22 and Technical Briefing Note TN1 (Blackstone Ecology Ltd); Flood Risk Assessment including Drainage Strategy Ref: 190-FRA-1-G (Martin Andrews Consulting Ltd); Geo-Environmental Desk Study Report Ref: GE17963-DSr-FEB19 rev 1.0 (Geo Environmental); Heritage Statement Ref:9758 August 2022 (Asset Heritage Consulting Ltd); Landscape and Visual Impact Assessment

7615.LVIA.005 (Aspect Landscape Planning); Services Appraisal Ref: 190-SA-01-0; Transport Note Ref:190-TN-01-E (Martin Andrews Consulting Ltd); and Travel Plan Ref: 190-TP-01-E (Martin Andrews Consulting Ltd).

- 3) No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall incorporate the mitigation measures identified within the Ecological Impact Assessment 1335EcoApp.Rev A relating to nesting birds, retained habitats, hedgehogs and include the following:
- i. risk assessment of potentially damaging construction activities;
  - ii. identification of “biodiversity protection zones;”
  - iii. 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);
  - iv. the location and timing of sensitive works to harm to biodiversity features;
  - v. the times during construction when specialist ecologists need to be present on site to oversee works;
  - vi. responsible persons and lines of communication;
  - vii. the role and responsibilities on site of an ecological clerk of works or similarly competent person; and
  - viii. use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- 4) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. It shall incorporate and/or adhere to the measures contained within the CEMP where necessary. Thereafter the development shall only be carried out in accordance with the approved details. The Construction Management Plan shall include details of:
- i. construction vehicle numbers, type and routing to the site;
  - ii. access and traffic management arrangements to the site;
  - iii. construction and storage compounds, including areas designated for car parking, loading/unloading and turning areas;
  - iv. siting and details of wheel washing facilities;
  - v. schedules and methods for cleaning of site entrances, site tracks and the adjacent public highway;
  - vi. timing of construction activities including delivery times and removal of waste;
  - vii. provision of sufficient on-site parking;
  - viii. post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - ix. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - x. a phasing plan;
  - xi. a construction phase surface water management plan: and
  - xii. a site waste management plan.



During the construction phase no noisy activities should take place outside the hours of 08:00-18:00hrs on Mondays to Fridays, 08:00-13:00hrs on Saturdays and no noisy activities at any time on Sundays, Bank/Public Holidays.

- 5) All the trees and hedges shown on the Tree Retention and Removals Plan 22071222043 TRRP V1f as "to be retained" and/or any trees canopies and hedges which overhang the site shall be protected by temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction'. The fencing shall be erected in accordance with the specification before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site, unless otherwise agreed with the local planning authority. Nothing shall be stored or placed within any fenced area, and the ground levels, within those areas shall not be altered, nor shall any excavation be made, unless measure are specified within the Arboricultural Impact Assessment Ref:220715 22043 AIA V1f (Origin Environmental). No building materials shall be stacked or mixed within 10 metres of the tree or hedge. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.
- 6) No development shall commence until a Phase 2 Site Investigation and a Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation) has been submitted to and approved in writing by the local planning authority. All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment. The development shall commence in accordance with the approved details.
- 7) Prior to the first occupation of the development hereby permitted a validation report shall be submitted and approved in writing by the local planning authority to demonstrate the effectiveness of any agreed remediation strategy required under condition 7. Any such validation shall include responses to any unexpected contamination discovered during works.
- 8) Development, including site clearance shall not commence until an archaeological watching brief has been submitted to and approved in writing by the local planning authority. It shall include measures for if any archaeology artefacts are found during the site clearance and digging out stages. Development shall only commence in accordance with approved details.
- 9) The development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (Flood Risk Assessment for Land off Ashwell Street, Ashwell, Hertfordshire by Martin Andrews Consulting Ltd, Revision G dated 24 May 2023), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

- 10) Upon completion and prior to the first occupation of the development, a survey and verification report for the completed drainage scheme, 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 approved scheme. Where necessary, details of corrective works to be carried out along with a timetable for their completion and subsequent re-survey and verification shall be included for the written approval of the local planning authority. The development shall be implemented in accordance with any subsequent approved details and thereafter retained.
- 11) Prior to the first occupation of the development hereby permitted details of the maintenance and management of the sustainable drainage scheme shall 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 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 are not limited to, but shall include:
  - i. a timetable for its implementation;
  - ii. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located; and
  - 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.
- 12) Prior to the commencement of development of the site a swept path analysis for a large car for all parking bays proposed by the development shall be submitted for the written approval of the local planning authority. Development shall be implemented in accordance with the approved details.
- 13) Notwithstanding the submitted details, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number(s) 190-TA10 Rev H have been submitted to and approved in writing by the local planning authority. Once approved the development shall not be occupied until the improvement works have been completed in accordance with the approved details.
- 14) Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing numbers 190-TA10 Rev H and in accordance with details/specifications which shall first have been submitted to and approved in writing by the local planning authority. This shall include arrangements for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 15) Prior to the first occupation of the development hereby permitted the proposed on-site car parking and turning areas shall be laid out, levelled,

surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

- 16) Notwithstanding the submitted details, no development shall commence until a scheme of both hard and soft landscape works has been submitted to and approved in writing by the local planning authority. These details shall include:

- i. earthworks showing existing and proposed finished levels or contours;
- ii. means of enclosure and retaining structures;
- iii. boundary treatments
- iv. all hard surfacing materials, including surface materials/footpaths/access to homes within the development;
- v. details of soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment);
- vi. schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate
- vii. provisions for replacement planting within a period of 5 years from the completion of the development for species which die, are removed or become seriously damaged or diseased; and
- viii. an implementation programme.

The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation programme.

- 17) No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the LEMP shall comply with the recommendations, mitigation and enhancement measures contained within the Ecological Impact Assessment Ref: 1335EcoApp.Rev A, (Blackstone Ecology Ltd). The content of the LEMP shall include the following:

- i. description and evaluation of features to be managed;
- ii. ecological trends and constraints on site that might influence management;
- iii. aims and objectives of management;
- iv. appropriate management options for achieving aims and objectives;
- v. prescriptions for management actions;
- vi. preparation of a work schedule (including an annual work plan capable of being rolled forward);
- vii. details of the body or organization responsible for implementation of the plan; and
- viii. ongoing monitoring and remedial measures.

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



- 18) None of the trees or hedgerows to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority. Any retained tree or hedgerows felled, lopped, topped, uprooted, removed or otherwise destroyed or killed be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the local planning authority.
- 19) Notwithstanding the submitted details, no on-site works above slab level shall commence until a scheme for the provision and location of nest boxes and integrated swift and bat boxes has been submitted to and approved in writing by the local planning authority. Once approved the development shall be implemented in accordance with the approved details and thereafter maintained and retained.
- 20) No external lighting shall be installed until a wildlife-sensitive lighting scheme and biodiversity lighting scheme, in accordance with the recommendations contained within the Ecological Impact Assessment Ref:1335EcoApp.Rev A have been submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details and thereafter maintained and retained.
- 21) Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme including samples of the materials to be used in all walls, roofs, windows and rainwater goods of the development hereby approved have been submitted to and approved in writing by the local planning authority. Once approved the development shall be implemented in accordance with the approved materials.
- 22) Notwithstanding the submitted details, prior to the first occupation of the development, a scheme for the proposed pedestrian footpaths shall be submitted for the written approval of the local planning authority. It shall incorporate the provision of boundary treatments where it is adjacent to existing neighbouring residents and shall consider the use of features such as non-slip footpaths, handrails and lighting. Once approved the development shall commence in accordance with the approved details and thereafter maintained and retained for the lifetime of the development.
- 23) Prior to the first occupation of the development a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the local planning authority. The SWMP should cover the operation of the development. Once approved the development shall commence in accordance with the SWMP for the duration of the development.
- 24) Prior to the first occupation of the development hereby permitted, each dwelling shall be provided with an active (ready to use) electric vehicle charging point, which shall thereafter be provided and permanently retained.
- 25) No development shall commence until full details have been submitted to and approved in writing by the local planning authority in relation to the proposed arrangements for future management and maintenance of the proposed public footpaths and private drives within the development. The streets and

footpaths shall thereafter be maintained in accordance with the approved management and maintenance details.

- 26) The two bungalows on plots 14 and 15 hereby permitted shall be built to M4(3) standard and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.
- 27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no enlargement, improvement or other alteration including (but not limited to) extensions, roof alterations, insertion of windows and doors, porches or ancillary buildings as defined within Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved in writing by the local planning authority.

**\*\*End of Schedule\*\***



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## Appeal Decision

Site visit made on 1 April 2025 by T Morris BA (Hons) MSc

**Decision by K L Robbie BA (Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25<sup>th</sup> June 2025**

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**Appeal Ref: APP/X1925/D/24/3355468**

**68 Chiltern Road, Baldock, Hertfordshire SG7 6LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Laura Leeson against the decision of North Hertfordshire District Council.
  - The application Ref is 24/01489/FPH.
  - The development proposed was originally described as 'demolition of existing detached garage. Single storey side and rear extensions, with deep retrofit improvements to the existing building fabric, with flat roof and two rooflights. New front entrance porch with flat roof. Hip to gable loft extension and rear dormer loft extension. Insertion of 3 rooflights to front roof pitch. Reduction in width of window to first floor bathroom. Insertion of black brick coursing to gable wall junction with flank wall at eaves level. Construction of steps to enable access to ground level from extension floor level'.
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### Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing detached garage. Single storey side and rear extensions, with deep retrofit improvements to the existing building fabric, with flat roof and two rooflights. New front entrance porch with flat roof. Hip to gable loft extension and rear dormer loft extension. Insertion of 3 rooflights to front roof pitch. Reduction in width of window to first floor bathroom. Insertion of black brick coursing to gable wall junction with flank wall at eaves level. Construction of steps to enable access to ground level from extension floor level at 68 Chiltern Road, Baldock, Hertfordshire, SG7 6LS in accordance with the terms of the application, Ref 24/01489/FPH, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 (Location Plan), PL.001A (Proposed Layouts), PL.002A (Proposed Elevations 1 of 2) and PL.003A (Proposed Elevations 2 of 2).
  - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan nos. PL.002A (Proposed Elevations 1 of 2) and PL.003A (Proposed Elevations 2 of 2).

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### **Preliminary Matters**

3. I observed on my site visit that some building works have already commenced at the appeal site. However, from what I observed I cannot be certain that the works being undertaken are connected with the appeal proposal or an alternative development. Nevertheless, I have determined the appeal on the basis of the submitted drawings for the development described.

### **Main Issue**

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

### **Reasons for the Recommendation**

5. 68 Chiltern Road (No 68) is a two-storey semi-detached dwelling situated within a residential area. Chiltern Road has some consistencies in that the dwellings are two-storey, semi-detached and are mostly set within a consistent building line. However, there are some variances in the appearance of the dwellings. They feature both hipped or gable roofs, render and brick elevations, and some have been extended. Porches vary in scale and while they mostly have pitched roofs, there are mono pitched, hipped and gable fronted examples, as well as some flat roof canopies. Consequently, the street scene does not have an entirely uniform appearance. Indeed, due to the gable roof extension, dormer windows and large front porch at the adjoining dwelling at 66 Chiltern Road (No 66), No 68 and No 66 are noticeably unbalanced in the street scene.
6. The appeal proposal would be of a contemporary form and appearance utilising materials which would contrast with the existing pale render of the original dwelling. The front porch would be of a modest scale, as a result a flat roof would not look out of place or overly prominent. The proposed light-coloured ice grey cladding of the porch and the side extension would be sympathetic to the colour of the rendered dwellings nearby and would not look out place where there are a variety of pale shades of render within this section of the road. Although the flat roof form and the timber cladding of the porch would differentiate it from others in the street scene, it would nevertheless appear as a high quality and attractive addition to the host dwelling. It would not unacceptably alter the character and appearance of the street scene, where the original bay window of the property would remain.
7. At the rear of the property, the single storey extension and dormer window would also incorporate a contemporary form and appearance, albeit with black cladding rather than grey. The use of black cladding would be striking, however, the rear gardens on Chiltern Road are of a generous size and the dormer window would be mostly seen in longer views from neighbouring properties or the garage court to the rear of the property. In the context of the appeal property and surrounding development, the rear extension would not be a dominant feature on the rear of the property. In these circumstances, despite their contemporary design and darker coloured cladding, the dormer window and the single storey extension would not be harmful to the character and appearance of the host dwelling and the surrounding area, nor would it unacceptably unbalance the pair of dwellings.
8. Therefore, I conclude that the proposed development would not have an unacceptable effect on the character and appearance of the host dwelling and the surrounding area. It would comply with Policies D1 and D2 of the North

Hertfordshire Local Plan 2011-2031 (2022), which amongst other matters require that development proposals respond positively to the site's local context, are sympathetic to the existing house and do not dominate adjoining properties.

9. For the same reasons, the proposal would comply with Section 12 of the National Planning Policy Framework, which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

### **Conditions**

10. I have had regard to the Council's suggested conditions. I have included the standard time limit condition and plans condition in the interests of certainty and clarity. Although the Council did not request it, a materials condition is also necessary so that the proposal respects the character and appearance of the area. The requirements of the condition should not come as a surprised to either party.

### **Conclusion and Recommendation**

11. The proposed development would comply with the development plan when taken as a whole and there are no other material planning considerations which would alter this finding. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

*T Morris*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

*K L Robbie*

INSPECTOR

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## Appeal Decision

Site visit made on 16 June 2025

**by Chris Couper BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 23 June 2025**

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**Appeal Ref: APP/X1925/W/25/3362928**

**10 St Katherines Close, Ickleford, Hertfordshire SG5 3XS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Parm Basra against the decision of North Hertfordshire District Council.
  - The application Ref is 24/02752/FP.
  - The proposed development is described as the erection of one self-build detached 3 bed bungalow with associated parking and landscaping.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on:
  - the character and appearance of the area; and
  - the living conditions of neighbouring occupiers, with particular regard to the outlook from 8 and 12 St Katherines Close ('Nos 8 and 12').

### Reasons

#### *Character and appearance*

3. The properties on St Katherines Close are predominantly arranged in short two storey terraces, typically with long rear gardens, but with a scattering of other building types, including a semi-detached pair at Nos 21 and 23, and bungalows at Nos 2 to 8 (evens). The dwellings are set back a short distance from the road, behind gardens or forecourts, with their front face addressing it. Whilst Nos 2 and 4 are set back further from the carriageway, their context is rather different given that they are close to, and face, an area of public amenity land on the corner with Greenfield Avenue.
4. The proposed bungalow would be sited towards the end of the host property's long, undeveloped rear garden. In that backland location, with another house between it and the road, it would be markedly at odds with the local grain and spatial pattern of development; and it would be set back even further from St Katherines Close compared to Nos 2 and 4. The subdivision of this plot would give both properties a cramped appearance, with relatively small gardens. The scheme's incongruous siting and cramped appearance would be clearly visible from nearby properties, and in streetscene views through the gap between Nos 8 and 10.

5. My attention has been drawn to approved development elsewhere on St Katherines Close, including an attached dwelling which would align with the front face of Nos 21 and 23 (Ref: 22/02765/FP), and a small, one bed bungalow which would replace an outbuilding to the rear of the corner plot at No 19 (Ref: 21/00457/FP). However, they are on a narrow section of the road, some distance, and around a corner, from this site, where the streetscene is different, and where there are a few other dwellings on relatively small plots. Moreover, unlike the scheme before me, there would be no house between the principal elevation of those examples and the road.
6. For the above reasons, notwithstanding the use of appropriate facing materials, along with landscaping and fences which provide a degree of screening, the scheme would significantly harm the character and appearance of the area. It would thereby conflict with Policies SP9 and D1 of the North Hertfordshire Local Plan 2011 - 2031 ('NHLP'). Amongst other things, and in general terms, these require development to be well designed and located, and to respond positively to the site's local context.

*Living conditions.*

7. The scheme would be single storey, with a hipped roof and an 'L' shaped layout, which would assist in breaking up its mass and limiting its overall bulk. However, it would span most of the plot width such that its side walls would be only around a minimum of 1 metre from the boundaries with Nos 8 and 12.
8. Whilst there are sheds, greenhouses and similar incidental structures in some nearby rear gardens, this development, with a footprint of roughly 100sqm, and a maximum height of about 5.28 metres, would be much larger than them. As a result of its siting and its scale, the proposed bungalow would appear overbearing viewed from those neighbouring properties' rear gardens.
9. In the context of this area, where the residents could reasonably expect a relatively spacious and uninterrupted rear outlook, the scheme would have a significant and harmfully adverse impact on the living conditions at Nos 8 and 12, and it would thereby conflict with NHLP Policy D3.

*Other considerations*

10. I have limited evidence to indicate whether there is a particular demand for the type of single storey accommodation proposed. Notwithstanding the description of the proposal, as I have not been provided with a mechanism to ensure that it would be a 'self-build' project, I have attached very little weight to that claimed benefit.
11. In its favour, the scheme would make efficient use of a large plot to deliver a new dwelling within the settlement boundary of a village which has a range of services and amenities that the occupants may use and help to support, and which is identified in the NHLP as a location for higher levels of housing growth. There would also be economic benefits during construction. Given the scheme's modest scale, these benefits, which also find support from the National Planning Policy Framework 2024 ('Framework'), carry limited weight in its favour.
12. The Council is unable to demonstrate a five-year supply of housing land, as required by the Framework. As the proposal would make a modest contribution of one unit to its housing supply, I attach moderate weight to this benefit.



## Planning Balance and Conclusion

13. The Framework does not change the statutory status of the development plan as the starting point for decision making. Its paragraph 232 sets out that due weight should be given to existing policies according to their degree of consistency with the Framework. In this case, the proposal would conflict with NHLP Policies D1, D3 and SP9, which are consistent with the Framework insofar as they reflect its requirements in Section 12 for good design which is sympathetic to local character and which provides a high standard of amenity. I therefore attach significant weight to those policies.
14. However, given that the Council cannot demonstrate a five year supply of deliverable housing sites, those development plan policies which are most important for determining the application are deemed to be out of date, and Framework paragraph 11d) is engaged.
15. Set against the moderate weight I have attached to the benefit in respect of housing supply, and the limited weight I have attached to other benefits, the proposal would cause significant harm to the character and appearance of the area and to neighbouring occupiers' living conditions. Consequently, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for securing well-designed places. The scheme does not therefore benefit from the Framework's presumption in favour of sustainable development.
16. The proposal would conflict with the development plan when considered as a whole, and material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

*Chris Couper*

INSPECTOR

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