

NORTH HERTFORDSHIRE DISTRICT COUNCIL



08 August 2025

Our Ref Planning Control Committee 21 August 2025
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To: Members of the Committee: Councillors Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Clare Billing, Ruth Brown, Val Bryant, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Martin Prescott, Tom Tyson and Dave Winstanley

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

**NOTICE IS HEREBY GIVEN OF A
MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

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

On

THURSDAY, 21ST AUGUST, 2025 AT 7.00 PM

Yours sincerely,

Isabelle Alajooz
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

Item		Page
1. APOLOGIES FOR ABSENCE	Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2. MINUTES - 17, 24 JULY 2025	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 17 and 24 July 2025.	(Pages 5 - 46)
3. NOTIFICATION OF OTHER BUSINESS	Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4. CHAIR'S ANNOUNCEMENTS	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION	To receive petitions, comments and questions from the public.	
6. 24/02907/RM LAND NORTH OF POUND FARM, LONDON ROAD, ST IPPOLYTS, HERTFORDSHIRE, SG4 7NE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER	Application for approval of reserved matters relating to Phases 2 and 3 being appearance, landscaping, layout and scale pursuant to conditions 7, 8 and 9 of planning permission 21/00434/HYA for the erection of 48 dwellings and associated works.	(Pages 47 - 86)
7. 25/01196/FP STARWOOD HOUSE, AVENUE ONE, LETCHWORTH		(Pages

GARDEN CITY, HERTFORDSHIRE, SG6 2HB

87 - 112)

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of two buildings including three units for Flexible Use Classes including E.g. (ii) (iii), B2, B8, including servicing, parking, access, landscaping.

- 8. PLANNING ENFORCEMENT QUARTERLY REPORT - PART 1** (Pages
INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION 113 -
MANAGER. 114)

To provide Members with a quarterly update on planning enforcement.

- 9. EXCLUSION OF PRESS AND PUBLIC**
To consider passing the following resolution: That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the said Act (as amended).

- 10. PLANNING ENFORCEMENT QUARTERLY REPORT - PART 2** (Pages
INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION 115 -
MANAGER. 118)

To provide Members with a quarterly update on planning enforcement.

- 11. APPEALS** (Pages
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 119 -
156)

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,
LETCHWORTH GARDEN CITY, SG6 3JF
ON THURSDAY, 17TH JULY, 2025 AT 7.00 PM

MINUTES

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

In Attendance: *Amy Cantrill (Trainee Committee, Member and Scrutiny Officer), Paul Chaston (Senior Planning Officer), Sam Dicocco (Principal Planning Officer), Shaun Greaves (Development and Conservation Manager), Arhamna Jafri (Locum Planning Lawyer), Edward Leigh (Senior Transport Policy Officer), James Lovegrove (Committee, Member and Scrutiny Manager) and Tom Rea (Senior Planning Officer) and Adrian McHale (Herts County Council Highways Officer).*

Also Present: *At the commencement of the meeting approximately 22 members of the public, including registered speakers.*

Councillors Lisa Nash and Paul Ward were in attendance as Member Advocates.

12 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 50 seconds

Apologies for absence were received from Councillor Caroline McDonnell and Councillor Val Bryant.

Having given due notice, Councillor Jon Clayden substituted for Councillor McDonnell and Councillor Daniel Allen substituted for Councillor Bryant.

13 MINUTES - 19 JUNE 2025

Audio Recording – 2 minute 18 seconds

N.B. Cllr Clare Billing entered the Chamber at 19:05.

Councillor Nigel Mason, as Chair, proposed and Councillor Martin Prescott seconded.

The following Members made comments on the Minutes:

- Councillor Jon Clayden
- Councillor Tom Tyson

The following comments were made:

- The attendees listed 'Councillor Claire Winstanley', however this should have read 'Councillor Claire Winchester'.
- Councillor Tom Tyson left the Chamber after acting as Member Advocate on application 24/02214/FP and this needed noting in the Minutes.

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

RESOLVED: That the Minutes of the Meeting of the Committee held on 19 June 2025, as amended, be approved as a true record of the proceedings and are to be signed by the Chair.

14 NOTIFICATION OF OTHER BUSINESS

Audio recording – 4 minutes 33 seconds

There was no other business notified.

15 CHAIR'S ANNOUNCEMENTS

Audio recording – 4 minutes 39 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 Agenda Item 8 - 25/00309/FP - has been deferred to the meeting of the Planning Control Committee on Thursday 7 August.

16 PUBLIC PARTICIPATION

Audio recording – 7 minutes 8 seconds

The Chair confirmed that the registered speakers were in attendance.

17 23/01552/OP Land South Of, Watton Road, Knebworth, Hertfordshire

Audio recording – 7 minutes 59 seconds

N.B. Cllr N.B. Cllr Ruth Brown declared an interest due to her role as Deputy Executive Member at Hertfordshire County Council. It was agreed by the Chair she would leave the chamber after the presentation.

The Senior Planning Officer presented an update and highlighted that two further neighbour objections had been received. These related to concerns regarding increased levels of traffic along Swangleys Lane and in Datchworth villages, increased journey times through the use of Watton Road and an increased pressure on local services, including the GP surgery.

The Senior Planning Officer then presented the report in respect of Application 23/01552/OP supported by a visual presentation consisting of plans and photographs.

N.B. Councillor Ruth Brown left the Chamber following the Officer presentation.

The following Members asked questions:

- Councillor Daniel Allen
- Councillor Nigel Mason
- Councillor Tom Tyson
- Councillor Jon Clayden
- Councillor Martin Prescott
- Councillor Louise Peace

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

- The Copenhagen crossing formed part of the highways scheme and could be debated part of this application.
- It would still be possible to travel west to east on the site, however this would now require diverting to Watton Road, before rejoining Swangleys Lane at the new 'T' junction.
- Residents on Swangleys Lane would be able to turn either way onto the lane from their properties.
- The flood risk on London Road would be alleviated with the incorporation of sustainable drainage solutions where necessary and appropriate.

In response to questions, the Hertfordshire County Council Highways Officer advised that:

- Copenhagen crossings were considered safe and visible in the right locations. They were already in place in parts of London, and Hertfordshire County Council now consider them suitable.
- The details of the section 278 agreements would be at the next stage of development which would ensure the details of the design were safe.
- There would be a full safety assessment conducted as part of the section 278 agreement, which would assess all risks associated with the implementation of the Copenhagen style crossing on this site.
- The proposal to close Swangleys Lane was to ensure a sustainable transport corridor existed which would allow pedestrians to travel safely by minimising the existing risk.
- The impact of traffic from this development would be minimal and many of the traffic issues related to an existing problem. It would therefore not be for the developers of this site to resolve existing issues.

In response to the questions, the Senior Transport Policy Officer advised that:

- The Copenhagen crossing consisted of a continuous footway along the road at the same level of the road and was more accessible, especially for those who were differently abled and those with pushchairs.
- The County Council was beginning to adopt the Copenhagen crossing style as standard County wide.
- The site would be designed for 20mph, pedestrians already had prioritised right of way, and a change of crossing style would be subject to a road safety audit.
- The design could change following a safety audit in order to ensure the junction was safe, for example visibility displays could be widened or speed limits reduced.
- As part of the Local Cycling and Walking Infrastructure Plan, it was expected that the cycling link between Knebworth and Stevenage would be improved, in order to encourage a change of transportation mode for some residents.
- The NPPF outlined that traffic issues would need to have a severe impact in order to use this as a ground for refusal, which would not be met through this application.
- The County Council was working on improving the existing problem.

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

- There were two types of flooding. The reference to Zone 1 in this report was in relation to fluvial flooding, which consisted of floods from rivers and seas, and this was low risk on this site.
- The other type of flooding was from storm surges. The flood risk from this type of flooding on this site was outlined on page 88 of the report. Flooding from storm surges was common and mitigations for this were outlined within the report.
- There had been a drainage scheme submitted, and it had been considered by the Lead Local Flood Authority, which would use existing drainage schemes but ensure these were able to meet this further risk of flooding from global warming.

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

- The transport assessment included in this report had been completed using traffic count data from 2019.
- The data used was out of date and did not take into account the changes in traffic trends which have taken place in the intervening years, the specific and unique location of Knebworth, the recently proposed developments KB2 and KB4 and the delayed improvements to the A1(M).
- There had also been developments approved in neighbouring villages and towns, and this would have an impact on Knebworth.
- A new traffic survey should be conducted on the B197/Watton Road roundabout.
- He was also concerned about cyclist and pedestrian safety on the site and suitable mitigations should be a condition of planning consent.

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

- He was representing Mr and Mrs Wilson who lived on Swangleys Lane and would be specifically impacted by the development.
- There was no consideration of the proposal to close Swangleys Lane and the impact of this on the residents of Datchworth or those living on Swangleys Lane.
- The new spine road, pushing traffic to Watton Road to access Knebworth, could increase journey times. Any closure of Watton Road could increase journey times by 25 minutes.
- No consideration had been given to the increased journey time on the ambulance service responding to emergency call outs, and they had made no comment.
- The transport assessment used out of date data and relied on information from 2020, when lockdowns were ongoing and therefore was not representative of the current situation.
- The proposals outlined that Swangleys Lane would be pedestrian only between 8am and 9.30am and 2.30pm and 4pm.
- There were alternative traffic options for the site which would not involve the closure of Swangleys Lane.
- He believed the development did not meet the requirements of the Knebworth Neighbourhood Plan or the transport plan objectives outlined by the County Council and therefore should be refused or deferred to reconsider the traffic flows along Swangleys Lane.

The following Members asked questions:

- Councillor Daniel Allen
- Councillor Louise Peace
- Councillor Jon Clayden

In response to questions, Mr Davis advised that:

- The 25-minute additional timing referenced was based on an actual journey made by his client.
- The reference to the pedestrianised times of access on Swangleys Lane was included in the transport assessment.
- While residents on Swangleys Lane would be able to turn left or right out of their drives, his client would not be able to go beyond the spine road.

The Chair thanked Mr Davis and invited Parish Councillor Roger Willcocks to speak against this application. Parish Councillor Willcocks thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The representation made by Knebworth Parish Council had not been included in the original report but had been included in the Supplementary Documents pack.
- The adopted Local Plan had removed this site from the green belt, but there still remained issues with the application regarding traffic.
- There were no mitigation measures proposed for the existing issues and would instead move more traffic onto the Watton Road.
- There were several other developments ongoing in Knebworth which would have an impact on the existing road network.
- An updated transport assessment would be required to consider the cumulative impact of the developments ongoing in Knebworth. However, the current assessment used out of date information and could not be considered representative of the current position.
- There were alternative options to ensure traffic could pass through the site and would not involve the closure of Swangleys Lane.
- Section 116 of the NPPF outlined that developments could be refused if there was considered to be a severe impact on traffic. This was also included in the Hertfordshire County Council Transport Plan. Given the cumulative impact of new developments, this application could therefore be refused.
- If Members were minded to approve the application, they should add a further condition to ensure the spine road retained its full width throughout.

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

- This development would be detrimental to the already existing infrastructure in the village and would not provide a sustainable development as required by the NPPF.
- The access proposed on this application was different to that included in the adopted Local Plan.
- Knebworth was a semi-rural village which had little employment or facilities and therefore residents were required to leave to meet their needs. Single track roads and farm traffic were not unusual to Knebworth residents, however this was different to those from urban areas.
- There were existing concerns regarding Watton Road and residents had first hand experiences of issues on this busy road, including speeding and pedestrian safety. These concerns had been acknowledged by Hertfordshire County Council Highways Officers.
- Watton Road was already a high traffic road, which was narrow and high banked, meaning cars had to pull over to allow passing.
- Access via Swangleys Lane was essential to allow residents of Datchworth to access shops and facilities in Knebworth.
- Traffic assessments were inaccurate and there was no up to date traffic assessment of the impact this site would have on Knebworth.
- It was unrealistic to assume an increase in cycling and walking to access the station.

- No consideration had been given to the delay this would cause to the access of emergency vehicles.
- The proposal should be refused due to the difficulties it presented, and the safety issues outlined.
- Approval of the application should be conditional on the retention of existing woodland and trees, Swangleys Lane to remain open, Swangleys Lane and Watton Road should be 20mph, new traffic calming measures should be included and a new traffic assessment should be undertaken.
- St Martins Road was private and did not allow traffic to pass through but had been included in the road loop proposed.

The following Members asked questions:

- Councillor Martin Prescott
- Councillor Daniel Allen

In response to questions, Councillor Nash advised that:

- St Martin's Road was a private, no through road.
- Hertfordshire County Council Highways were not appropriately taking into account the nature of the roads in Knebworth or the already existing issues experienced.

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

- The inclusion of this site for development extended back to 2016 and was included in the adopted Local Plan. As part of the adoption, the Inspector considered local concerns and ultimately considered the inclusion of this site as sound.
- The proposals of this site had been amended following a variety of consultation and were now sympathetic to the site and history of Knebworth.
- Design focused documents made sure the proposal met national guidelines, as well as the policies of the adopted Local Plan.
- The applicant had accepted and supported the conditions outlined in the report of the Officer.
- The access strategy evolved following engagement with Hertfordshire County Council, who advised the need to close Swangleys Lane, rather than a roundabout on site as had been originally proposed. This was to prevent the road becoming a cut through and to encourage active travel options.
- The cumulative impact of the site, as well as others around it, had been considered and a report produced, as required by the Local Plan.
- The local plan states cumulative impact report, which the applicant has carried this out.
- Hertfordshire County Council had requested £1.3m for the B197 sustainable transport corridor improvement scheme, which would help alleviate cumulative traffic impacts and the applicant had agreed this. In total, contributions from the scheme would amount to around £7.8m for education, leisure and transport.

The following members asked questions:

- Councillor Martin Prescott
- Councillor Jon Clayden

In response to questions, Mr Ball advised that:

- The applicant would consider a reasonable traffic plan that would keep Swangleys Lane open.
- The current proposed changes added 450m to the current journey from use of Swangleys Lane.

The Chair thanked Mr Ball for his presentation.

In response to presentations the Senior Planning Officer clarified that there were no restrictions proposed during school drop-off and pick-up hours along Swangleys Lane.

In response to presentations the Hertfordshire County Council Highways Representative clarified:

- There was a patrol officer suggested in school hours not a road closure.
- There was a danger of keeping Swangleys Lane open as it could create a rat run between these roads.

In response to presentations, the Senior Transport Policy Officer clarified that St Martin's Road was private and not adopted by the Highway authority, but the public did have through access.

Councillor Martin Prescott proposed to defer the application to await an up-to-date Transport Assessment and to consider further modifications to the Swangleys Lane Gateway junction. This was seconded by Councillor Claire Billing.

In response to a question from Councillor Jon Clayden, the Development and Conservation Manager advised that the proposed engineering operation to provide flood defences was considered appropriate in the green belt, as it would not permanently impact the green belt land.

The following Members took part in the debate:

- Councillor Jon Clayden
- Councillor Tom Tyson
- Councillor Daniel Allen
- Councillor Louise Peace
- Councillor Martin Prescott

The following points were raised as part of the debate:

- The arrangements at Swangleys Lane Gateway junction were harmful to existing residents and Hertfordshire County Council should design a scheme that addresses this and deters people from using Swangleys lane as a rat run while keeping the road open.
- The District did desperately need these 200 houses, but the road networks were already failing and the development would make it worse, therefore a new traffic plan was required.
- An updated transport model, using up to date data, should be produced and should consider the different options available, including a roundabout installed on Swangleys Lane.
- Members needed to consider what the likely outcome of a traffic survey would be and whether it would make a significant difference to the consideration of this site by Members.
- Members were not objecting to the principle of the development and it was the responsibility of the County Council to fix existing traffic issues not the developer.

- There were concerns over the closure of Swangleys Lane and the impact this would have on existing road issues.
- St Martin's Road was private and therefore neither the District nor County Council would have control over this road.
- There were concerns whether the private owners of St Martins Road would continue to fund its upkeep with the increased traffic from this development.

In response to points raised during the debate, the Development and Conservation Manager clarified that:

- St Martin's Road was a private road but was a public highway, over which people had a right to pass and repass. The difference was that a private person was required to maintain the road, it would not be maintained by the County Council, as would be the case with an adopted road.
- The request for deferral for more up to date traffic surveys, was in his opinion redundant as road usage had not changed dramatically and the result would likely be the same. The surveys had been conducted before Covid and the evidence was that traffic levels were reaching near 2019 levels again. Therefore, it would be unlikely that this would amount to a severe impact on the road network.
- There was a requirement to provide these houses to meet the 5 year housing land supply the Council was required to meet.

The Locum Planning Lawyer advised that it would be legal to defer to consider modifications to the proposed highways scheme and to get up to date clarity on the traffic assessment.

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

RESOLVED: That application 23/01552/OP be **DEFERRED**.

REASONS FOR DECISION:

- (1) To explore potential modifications to the scheme to have further minimal impact to Swangleys Lane Gateway junction.
- (2) To request an amended Transport Assessment with up-to-date traffic surveys to have a true reflection of the current traffic flows as members felt an up to date surveys would assist them in making their decision.

N.B. Following the conclusion of this item there was a break in proceedings at 20:42 and the meeting reconvened at 20:58, at which time Cllr Ruth Brown returned to the Chamber.

18 25/00104/FP Land To The Rear Of Banyers Hotel, King James Way, Royston, Hertfordshire, SG8 7BZ

Audio recording – 1 hour 59 minutes 57 seconds

The Chair advised that the item was deferred to the Planning Control Committee meeting on Thursday 24 July 2025 as the Members who called-in the application were not present at the meeting (as required under the Members Planning Code of Good Practice), nor provided a written statement, or appointed another member to present the item, as required under 6.1 of the speaking procedure for the Planning Control Committee. This item would be considered as an urgent item of business as the matter cannot wait until the scheduled meeting of the Planning Control Committee in August, given the statutory period for the matter to be determined (26 March 2025) had already been extended (to 30 July 2025), and therefore the Council could be liable to appeal against the failure to determine the application.

19 25/00309/FP Ivy's Cottage, Smiths End Lane, Barley, Royston, Hertfordshire, SG8 8LH

This item was deferred to the meeting of the Planning Control Committee on Thursday 7 August.

20 Appeals

Audio recording – 1 hour 59 minutes 2 seconds

The Development and Conservation Manager provided an update on Planning Appeals and advised that:

- The appeal relating to 10 St Katherines Close, Ickleford had been dismissed.
- The appeal relating to 68 Chiltern Road, Baldock was rejected by the Committee for the impact on the street scene. This appeal was allowed by the Inspector who decided it would not impact the street scene.
- The appeal decision relating to 14 dwellings at the High Street, Ashwell was rejected by the Committee due to harm on the Conservation Area which would outweigh the harm of the dwellings. However, as the Council no longer had a 5 year housing land supply, the Inspector decided that the contribution this would make to meeting the 5 year land supply outweighed the impact on the Conservation Area.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Tom Tyson
- Councillor Martin Prescott

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

- When the High Street, Ashwell application was considered, the Council had met its 5 year housing land supply. However, the circumstances around this had now materially changed since the Committee decision.
- Substantial weight would be given to the delivery of housing in all appeals lodged going forward, as the Council cannot now demonstrate a 5 year housing land supply following changes to the NPPF.
- The land ownership issues relating to the High Street, Ashwell application were resolved during the appeal process, which did not materially change the plans and was considered acceptable by the Inspector.
- The Council would not be liable for cost for either the Rhee Spring or the High Street, Ashwell applications as neither party made an application for costs and there was no basis that the Council had acted unreasonably.

The Development and Conservation Manager presented an update on the recent appeal decision relating to Rhee Spring, Baldock and advised that:

- The application was rejected by Committee as it did not meet the need for 40% affordable housing to be provided, as per the policy of the adopted Local Plan.
- However, the Inspector concluded there was a viability issue with the requirement to provide 40% affordable housing on this site.
- As part of the process, there remained scope for a greater number of affordable housing units to be delivered, subject to further appraisal once the review mechanism was triggered.

Thursday, 17th July, 2025

Councillor Ruth Brown noted that she was disappointed with this decision not to follow the adopted policy of the Council regarding affordable housing provision and the impact this might have on other applications.

In response to a question from Councillor Daniel Allen, the Development and Conservation Manager advised that the Council had spent approximately £90k for the Waldon End Inquiry. The applicant did not apply for costs in this instance.

The meeting closed at 9.20 pm

Chair

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY, SG6 3JF
ON THURSDAY, 24TH JULY, 2025 AT 7.00 PM**

MINUTES

Present: *Councillors: Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Clare Billing, Mick Debenham, Steve Jarvis, Ian Mantle, Bryony May, Caroline McDonnell, Martin Prescott and Dave Winstanley.*

In Attendance: *Faith Churchill (Democratic Services Apprentice), Sam Dicocco (Principal Planning Officer), Robert Filby (Trainee Committee, Member and Scrutiny Officer), Ben Glover (Senior Planning Officer), Arhamna Jafri (Locum Planning Lawyer), Edward Leigh (Senior Transport Policy Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Tom Rea (Senior Planning Officer) and Naomi Reynard (Senior Planning Officer).*

Also Present: *At the commencement of the meeting, approximately 30 members of the public, including registered speakers.*

Councillors Cathy Brownjohn, Sarah Lucas, Vijaiya Poopalasingham, Laura Williams and Ralph Muncer were in attendance as Member Advocates.

21 APOLOGIES FOR ABSENCE

Audio recording – 2 minutes 9 seconds

Apologies for absence were received from Councillors Ruth Brown, Val Bryant, Louise Peace and Tom Tyson.

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

22 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 32 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 there had been a change to the agenda order since publication and that Agenda Item 2 would be taken after Agenda Item 4.

23 PUBLIC PARTICIPATION

Audio recording – 4 minutes 58 seconds

N.B. Councillor Clare Billing entered the Council Chamber at 19.05.

The Chair confirmed that the registered speakers were in attendance.

24 NOTIFICATION OF OTHER BUSINESS

Audio recording – 6 minutes 8 seconds

The Chair advised that there had been one item of business notified for 25/00104/FP Land to the Rear of Banyers Hotel, King James Way, Royston, Hertfordshire, SG8 7BZ.

The Chair reported that the item was deferred from the Planning Control Committee on 17 July 2025 as the Member Advocates who called-in the application were not present at the meeting (as required under the Members Planning Code of Good Conduct) and did not arrange for another Member to present on their behalf or provide a written statement for the Chair to read out in their absence, as required under 6.1 of the Speaking Procedure for the Planning Control Committee.

However, the matter could not wait until the scheduled meeting of the Committee on 7 August as the statutory period for the matter to be determined had already been extended (to 30 July 2025), meaning that the Council could be liable to appeal against the failure to determine the application.

Therefore, the Chair advised that the item would be considered as urgent under this item on the agenda.

The Senior Planning Officer provided a verbal update on matters relating to Application 25/00104/FP and advised that:

- Two further letters of objection had been received from the occupiers of number 4 and number 29 King James Way which could be found on the Council website.
- Concerns from residents had been raised on highway safety, lack of parking, adverse impact on local wildlife and trees as well as the potential impact of the development on the setting and significance of adjacent listed buildings.
- The occupier of number 33 Hunters Mews had highlighted inaccuracies in the daylight and sunlight assessment and queried some of the below standard 25-degree guidance results.
- In response, consultants working for the Applicant advised that images found in Appendices D and E of the assessment report demonstrated that neighbouring properties were not cloned as a single unit and this was further clarified by aerial view modelling provided.
- They also advised that existing buildings had been accurately positioned in the report using the site layout and topographical survey drawings that had been submitted with the application.
- Only five windows on number 33 Hunters Mews retained at least 80% of their former vertical sky limit value as per the guidelines of the Building Research Establishment (BRE). However, all windows retained over 15% of their former value which was considered acceptable for urban developments.
- It was acknowledged that the 25-degree guidance had not been met and consultants had followed further guidance to address this by undertaking additional checks. These revealed that adequate levels of daylight could be received by number 33 Hunters Mews.
- The full response from the consultants could be found on the Council website.

The Senior Planning Officer then presented the report in respect of Application 25/00104/FP and gave a visual presentation consisting of plans and photographs.

In response to questions from Councillor Dave Winstanley, the Senior Planning Officer advised that:

- As the statutory 10% net biodiversity gain would not be achieved on-site, the Applicant would need to purchase the required habitat units from a land bank and submit certification of this to the Council to discharge the biodiversity net gain condition on the application.
- The 10% net gain would be measured against the biodiversity already existent on the site.

The Chair invited the first Public Objector, Ms Mary Petch to speak against the application. Ms Petch thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The application ignored the prominence of the Grade I listed building at number 18 Melbourn Street.
- Despite the ownership change of the land, the development was still within the curtilage of the listed building and the relevant planning restrictions should apply.
- Rich history was buried beneath the land and there had been no proposal to excavate the land to investigate its past.
- Residents of King James Way were worried about the overspill of parked vehicles that might arise from the development as there was already insufficient parking in the nearby area.
- There were also concerns over rainwater runoff from the site and that drainage was not adequately equipped to accommodate increased water flow.
- Wildlife on the existing site was incredible and its loss because of the development would be felt greatly by neighbouring residents.

There were no points of clarification from Members.

The Chair thanked Ms Petch for their presentation and invited the second Public Objector, Mr Steve Brickles to speak against the application. Mr Brickles thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- They were the resident of number 33 Hunters Mews and the Director of Hunters Mews Residents Association which represented residents of both Hunters Mews and Dog Kennel Lane.
- The daylight and sunlight assessment supplied by the Applicant was factually incorrect as it excluded number 30 Hunters Mews from the report, classing it as a property on Dog Kennel Lane, and numbers 31 to 35 Hunters Mews were merged into one property which could be seen on pages 16 and 17 of the report.
- Because of this, the report did not identify that number 33 Hunters Mews was the closest and most effective property to the proposed site with seven windows facing it. All seven windows would be less than 5.5 metres away from the west elevation of the proposed residential building.
- East facing windows of number 33 had enjoyed uninterrupted light for twenty-five years, providing natural light for several primary rooms and the only light for both sets of stairs, landing and hallway within the property.
- If the 25-degree rule was applied, five out of the seven east facing windows would receive almost no light and be in constant shade as evident on pages 32 and 33 of the report which showed that they failed the light test with some windows losing up to 43% of their existing light.

- Members should remove the data manipulation described from their decision-making process.
- It was expected that the main occupiers of the proposed dwellings would be 25-34 years old. They would be the least likely age group to fully utilise the local amenities within walking distance such as the health centre, banking hub, day care nurseries, primary schools and High Street.
- The site was on a Site of Special Scientific Interest (SSSI), within a conservation area on Grade I listed land, and adjacent to a Grade II listed building, thus having a major impact on these properties.
- The proposed height of the two-storey building seemed unnecessary and had been designed to potentially house more residents in the future.

In response to a point of clarification from Councillor Bryony May, Mr Brickles advised that an Ecology Advisor had informed them that the site was within the impact zone of Therfield Heath which was an SSSI. Because of this, Natural England would need to be consulted as the application fell into the residential category of development.

The Chair thanked Mr Brickles for their presentation and invited the Member Advocate Objector, Councillor Cathy Brownjohn to speak against the application. Councillor Brownjohn thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The development was too large, too dense, unduly high, too close to neighbouring dwellings, unsympathetic to the conservation area, would not provide to demographics that would use local amenities and would impact the light within existing neighbouring properties as already outlined.
- Two further objections on the application had been received recently from an Ecology Advisor and the Local Lead Flood Authority. These objections were related to the development being within the impact zone of an SSSI and flood risk respectively.
- Its location conflicted with listed buildings and lower density housing nearby.
- Royston had more than fulfilled its housing obligation with many large developments already constructed, in the build phase or in the pipeline.
- Developments had already provided hundreds of houses at the outer edges of the town, pushing its spatial footprint to the limit of capacity and stretching its resources such as water and services.
- The application would not serve the need for affordable housing nor provide the type of housing that those wanting to live in a central location would need such as families and the elderly.
- The site was within a surface flow water path meaning that there would be an increased risk of surface water flooding.
- The Lead Local Flood Authority recommended that the application should pass a sequential test which should be carried out as a matter of urgency.
- The open green space on the site was not only a space for wildlife but also acted as a CO₂ sink.
- Traffic was an existing problem in Royston with the A10 running through its centre and the loss of town centre amenities in recent years meant some residents drove across the town frequently to access alternatives.
- Given the above concerns and the right to light of neighbouring properties, the Committee should further investigate the application.

There were no points of clarification from Members.

The Chair thanked Councillor Brownjohn for her presentation and invited the Applicant, Mr Hamish Borno to speak in support of the application. Mr Borno thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Hard work had taken place with the Senior Planning Officer to shape the application into its current state.
- Both local and national planning policy had been accounted for and there was no policy reason for the application to be refused.
- Therfield Heath was roughly two miles away from the proposed site with approximately 500-1,000 dwellings between it and the application site, making it difficult to understand how the development would impact the SSSI.
- The daylight and sunlight assessment met the BRE guidelines which had been verified by the Senior Planning Officer.
- The Highways Authority were satisfied with the application.
- Pollution was not relevant to planning policies required to be met by the development.
- The land on the proposed site had never been owned by number 18 Melbourn Street and was not related to it.
- The archaeological assessment did not require them to excavate the site before construction.
- By working with all parties, they had satisfied all policy requirements and were hopeful that the Committee would grant the application.

In response to points of clarification from Councillor Martin Prescott, Mr Borno advised that:

- He disagreed with Mr Brickles on the daylight and sunlight assessment.
- The public had been consulted through the public consultation process, with details of these responses included on the planning portal.
- Decisions on applications needed to be made considering local and national planning policy.

Councillor Emma Fernandes proposed to grant permission and this was seconded by Councillor Dave Winstanley.

The following Members took part in the debate:

- Councillor Martin Prescott
- Councillor Mick Debenham
- Councillor Nigel Mason
- Councillor Dave Winstanley
- Councillor Caroline McDonnell

The following points were made as part of the debate:

- The application met all the planning considerations, however, the major opposition from nearby residents was concerning.
- There was disagreement between the Public Objector, Mr Brickles and the Applicant on the accuracy of the daylight and sunlight assessment.
- The previous application for this site was refused and it was unclear what had changed about the application since its refusal.
- The roof height seemed out of proportion with the development and there could be potential for living space within the roof.
- The development was in a good central location and young occupiers would reduce car use in the town centre.

In response to points made in the debate, the Senior Planning Officer advised that:

- BRE guidance was a widely recognised document that provided guidelines for assessing daylight and sunlight schemes, however, it was not legally binding and was intended to be flexible to help with decision making.
- The daylight and sunlight assessment had been undertaken by a professional lighting engineer who had used the BRE guidance and modelling tools as part of the assessment.
- The consultants acknowledged that some of the windows on number 33 Hunters Mews had failed to meet the percentages in the BRE guidance, however, flexibility was needed in urban situations where it was not always possible to achieve these percentages.
- Retaining as little as 15% of the former light was considered by many authorities as acceptable in urban settings as detailed previously.
- Images in the document showed that all properties had been modelled and consequently, all windows had been accounted for.
- The Conservation Officer was satisfied that the impact of the development on the Grade I listed building at number 18 Melbourn Street was not significant as the harm was at the lower end of the less than substantial scale.
- An archaeological condition on the application required a written scheme of investigation to be submitted by the Applicant and assessed by the Historic Buildings Advisor at Hertfordshire County Council.
- The development was not within the Local Plan but was within the urban area and town centre of Royston which was acceptable, and the application had been looked at on its merits.
- The previous application was unacceptable due to its height, the number of dwellings, the impact on adjoining residencies and its design as it was three storeys in height and on a different alignment.
- Since the previous application, the Applicant had moved the building to an east-west alignment after recommendations from the Conservation Officers, reduced its height by one storey and incorporated design features to make it more acceptable within the conservation area.
- Plain roof tiles were expected on dwellings in conservation areas and they required at least a 35-degree pitch, therefore, the steep pitch of the proposed building was consistent with the conservation area.
- There would be no permitted development rights in the roof space of the proposed building, therefore, building further dwellings into the roof space would require planning permission.
- Planning permission to add more dwellings into the roof space would likely be refused as there would be a need for additional parking spaces, amenity space and the building may be unacceptable in its altered appearance, however, it would depend on the application.

In response to points in the debate, the Team Leader Major Sites advised that:

- Permitted development rights would not apply to the building as the dwellings were flats rather than houses and were also within a conservation area, therefore, no condition would be needed on the application to prevent the enlargement of roof space.
- The addition of dormer windows would require planning permission.

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

RESOLVED: That application 25/00104/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

Following the conclusion of this item, there was a break in proceedings at 19.58 and the meeting reconvened at 20.03.

25 24/02889/FP LAND AT ROUNDWOOD, BACK LANE, GRAVELEY, HERTFORDSHIRE

Audio recording – 1 hour 2 minutes 54 seconds

The Senior Planning Officer provided a verbal update on matters within the Addendum to the report in respect of Application 24/02889/FP, as well as other updated matters relating to the application and advised that:

- The Lead Local Flood Authority had withdrawn their objection to the application.
- Wording on the Highways Strand 2 contribution within the S106 table had been corrected and updated.
- Multiple conditions within the report had been added, amended and combined.
- Summaries of representations from both nearby residents and Weston Parish Council had been included.
- A Highways and Transport Addendum had been written in response to recent objections from Great Ashby Community Council, Weston Parish Council and North Herts Councillors representing Great Ashby Ward.
- A summary of a representation made by a resident detailing an accident outside their home in Graveley had been provided.
- A further representation from them detailed concerns over road traffic safety from increased traffic on Church Lane/Back Lane and included photos of the accident previously mentioned.
- Condition 5 in the recommendations section of the report had been amended with the agreement of the Highways Authority which changed the wording from “prior to first use” to “prior to first occupation”.
- Condition 16 had been amended to include: “The approved Ecological Enhancement Plan shall be implemented on site.”
- Condition 18 had been amended to include: “The approved details shall be implemented on site and permanently maintained.”
- The off-site play space contribution towards Merrick Close Play Area Improvement in the S106 table on page 78 should include: “index linked”.
- The Applicant wished to either deliver the improvements to Graveley Public Right of Way 010 themselves or offer a contribution and because of this, the Strand 1 section of the S106 table had been amended.
- The wording of the Right of Way Condition 7 would be amended to include: “Unless the applicant pays the s106 contribution they shall deliver the improvement works.”.

The Senior Planning Officer then presented the report in respect of Application 24/02889/FP supported by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Dave Winstanley
- Councillor Clare Billing
- Councillor Nigel Mason
- Councillor Martin Prescott
- Councillor Steve Jarvis
- Councillor Bryony May
- Councillor Caroline McDonnell

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

- For the site to be sustainable, a bus stop needed to be within 400 metres of the site, therefore, a bus route was proposed to pass along Mendip Way.
- During the construction phase, there would be a Temporary Traffic Regulation Order which would result in yellow lining along Mendip Way.

- Surveys showed that no mitigations were required to deal with the displacement of vehicles but the monitor and manage system would address this where appropriate.
- No opportunity was available to modify the details submitted at a later stage in the process, as this was a full application.
- In terms of design, there had been a detailed workshop process on this and the Urban Design team felt positively about the scheme as it had a simple material palette which was encouraged as more diverse schemes could be mismatched.
- The new bus route would connect to parts of Stevenage that residents of Great Ashby could not currently access such as the Lister Hospital and secondary schools.
- Most future mitigations were predicted to be implemented outside of the development site.
- The purpose of the monitor and manage scheme was to avoid works being carried out when they were not required. Its operation would involve the Applicant monitoring potential problems and the Highways Authority carrying out works where they thought problems needed to be addressed.
- Evidence of road accidents in the area would have been submitted with the application to the Highways Authority.

In response to questions, the Senior Transport Policy Officer advised that:

- An overnight parking survey had been conducted by the Applicant which established that there would be sufficient parking elsewhere for displaced cars resulting from the bus route implementation.
- However, it was unknown how many spaces would be available in parking courts for displaced cars to use, therefore, the monitor and manage system would track parking through the buildout of the development and if additional mitigations were required, more parking spaces would be created.
- To mitigate increased traffic along Back Lane, they could increase the road capacity by formalising several informal passing places and adding new ones if the monitoring indicated that this was required.
- Traffic calming measures could be applied if speeding became an issue, however, the proposed speed limit for Back Lane was 20mph where it would run through the development.
- The road through the development would be wider than Back Lane with more opportunities to pull into side roads, thus agricultural vehicles would cause less congestion than they did currently, but it was recognised that these vehicles were few and it had not been necessary to design the road specifically to accommodate them.
- Discretion was with the Highways Authority when determining whether evidence showed that mitigations were required, and S106 contribution of £400,000 would be held to cover the cost of any necessary mitigations.
- The Applicant would provide the data in accordance with a plan that would be agreed by condition and the baseline for the data would be established through monitoring before construction started.
- Due to uncertainty over the level of impact that displaced cars would have and given the country lane style roads, they felt it was better for the monitor and manage approach to address any issues as they arose rather than assuming a worst-case scenario by implementing mitigation measures before first occupation.
- Any unused funding from the £400,000 after the monitoring period would be returned to the Applicant.
- The design of the monitor and manage programme would be agreed post resolution, however, it would not be constrained to the site boundaries as there would be an impact on the wider road network.
- £400,000 would be enough to cover the costs of potential mitigations such as the creation of passing places or a Traffic Regulation Order (TRO) to modify speed limits as these were not major measures and a significant number could be bought.

- The Applicant had not assumed that the site would generate a higher proportion of sustainable transport trips than the rest of Great Ashby.
- The Council had strongly encouraged the Applicant to make active travel and public transport more attractive.
- Directing the new bus service up to the roundabout on Haybluff Drive would make it accessible to those living on the new development as well as existing Great Ashby residents who did not have a bus service within easy walking distance.
- Improved access to Orwell Avenue and Botany Bay Lane would give residents access to the cycle network into Stevenage.
- The Transport Assessment detailed that within the most recent 5-year period, no personal injury accidents had occurred along Back Lane where the road bordered the proposed development.
- Incidents observed around the site had been classed as “slight” and no incidents resulting from equine use on Back Lane had been recorded on CrashMap.
- The mechanism of monitoring was yet to be agreed, but the encouraged method would be to use cameras to record vehicle types and observe their routes. If this was done in conjunction with GA2, traffic could be disaggregated from the two sites and their impact on the wider road networks could be assessed individually.

The Chair invited the first Public Objector, Weston Parish Councillor Tim Moody to speak against the application. Councillor Moody thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- They were speaking on behalf of Weston and Graveley Parish Councils.
- Back Lane was used by walkers, cyclists and horse riders and they were concerned about its safety as they believed that more accidents had occurred on the road than the figures showed.
- They were grateful to the developer for amending the plans to account for the comments that were made in the early part of the consultation phase.
- There should be a barrier to prevent access onto Back Lane from Haybluff Drive which could only be bypassed by emergency vehicles.
- A Construction Traffic Management Plan was needed and should be open to consultation as the development would be completed in phases which would affect existing flows of traffic between Great Ashby and Weston.
- Residents were concerned about the monitor and manage scheme as it was certain that more traffic would run through the three main roads in Weston as a result of the site. These roads lacked pavements in stretches and it was essential that mitigations were instated before the first occupancy.
- Unallocated visitor parking needed altering as 86% of the spaces only served 33% of the dwellings with the remaining 14% serving 67%.
- The Council should defer a decision on this until the issues described had been investigated and resolved.

There were no points of clarification from Members.

The Chair thanked Parish Councillor Moody for their presentation and invited the second Public Objector, Great Ashby Community Councillor Beryl Brown to speak against the application. Councillor Brown thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Great Ashby Community Council strongly objected to the application in its current state, particularly on its access and infrastructure.
- They were concerned about traffic that would flow through Calder Way as this was a residential street with existing problems and there had been accidents and near misses on this stretch of road.

- Residents of Calder Way had also received abuse and were unable to access their homes if their turn was used as a passing place by oncoming vehicles.
- No vehicle traffic study had been undertaken on Calder Way and there was no evidence to suggest that this road would be able to handle the extra traffic that would result from this development.
- The monitor and manage scheme would not be sufficient as issues already needed resolving before the development had been constructed.
- On-street parking was already an issue and no plans had been provided to demonstrate where the displaced vehicles would park and if the road width around Great Ashby was adequate for wide construction vehicles.
- They would be grateful if the plans for construction and monitor and manage were shared with consultees before a decision on the application was made.

There were no points of clarification from Members.

The Chair thanked Community Councillor Brown for their verbal presentation and invited the third Public Objector, Ms Emma Hogg to speak against the application. Ms Hogg thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- They were a resident of Graveley and lived on Back Lane.
- Back Lane was a narrow single track which had high banks and no pavements and had at least seven blind bends between Graveley and Chesfield.
- The road was also unlit and would be unsuited to an increase in traffic flow.
- At peak times, the road was often congested and could be dangerous.
- There were signs as traffic entered Church Lane from Back Lane detailing that the road was unsuitable for HGVs and large vehicles. These were largely ignored and created a tremendous inconvenience to road users when they were unable to turn around or reroute.
- There had been numerous accidents and none of the recent ones had been logged on CrashMap.
- A tractor and a family vehicle had collided on a blind bend on Back Lane and there had been another head on collision on a straight section of the road.
- Back Lane was used by walkers, cyclists, Duke of Edinburgh participants, the disabled, and residents and staff of Halcyon Days Care Home homes. Under the current proposals, there were no provisions for these groups.
- The British Horse Society stated that there had been 7 horse rider incidents in the last 3 years on Back Lane.

There were no points of clarification from Members.

The Chair thanked Ms Hogg for their verbal presentation and invited the Member Advocate Objectors, Councillor Laura Williams and Councillor Vijaiya Poopalasingham to speak against the application. Councillors Williams and Poopalasingham thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- They were speaking on behalf of Great Ashby residents who would be the group most affected by the application before them.
- Residents of Great Ashby understood the need for new homes as they had moved into the area only 20 years prior so their concerns were valid.
- There were no credible answers for where the existing on-street parked cars would be displaced to.
- Traffic access to the site was a foreseeable crisis waiting to happen and the monitor and manage approach would allow problems from this to surface.

- There was no infrastructure in terms of health facilities to accompany the homes on the proposed development.
- Residents felt betrayed by the developer whose proposal would erode their quality of life rather than enrich it.
- Roads such as Mendip Way and Haybluff Drive had not been built to accommodate future growth.
- On 21 November 2024, the Applicant informed Great Ashby Community Council that the early monitoring of the existing estate had been incorrect which had led to the existing parking and traffic problems.
- All parking spaces within the area that would be directly impacted by the displacement of cars were already allocated to existing dwellings.
- They felt that the monitor and manage approach was a green light for the developers to do nothing.
- The land parcelling of GA1 and GA2 was felt to ignore the needs of a thriving community.
- Residents were tired of Great Ashby being used as an example of bad traffic planning and this proposal would only compound the problem.
- There were three material grounds for objection to the application, access and transport, lack of supporting infrastructure and community impact.
- Mendip Way and Calder Way were not fit for the increased traffic that the proposed development would bring with the former already serving six hundred homes and suffering from chronic congestion and lack of parking capacity.
- No clear traffic or parking management plans had been provided.
- The monitor and manage approach was damage control rather than planning.
- At paragraphs 2.5 – 2.7 of the Technical Note, the Applicant admitted that a TRO would be needed to clear vehicles and displace them to nearby roads without evidencing their capacity.
- Parking capacity at paragraph 2.1 of the Technical Note was measured using Great Ashby Way rather than streets near Mendip Way.
- The Highways Authority had refused to meet them to discuss the issues raised.
- Calder Way was a single track, four-metre-wide road at best, acknowledged by the Applicant to be constrained and congested but still suggested as sufficient.
- The data to support this was outdated as it had been gathered in 2022 during the quiet period after the COVID pandemic and ignored the cumulative impact of GA1 and GA2 combined contrary to paragraph 116 of the National Planning Policy Framework.
- The described modal shift from driving to other forms of transport in response to this development was aspirational rather than data supported as Great Ashby was a commuter community where vehicles were relied upon to access basic amenities.
- The NHS Integrated Care Board (ICB) for the area had made clear that both north and south primary care networks were at capacity, therefore on-site provision would be needed but currently, a new healthcare facility was proposed for Graveley, not Great Ashby.
- They felt that the proposal played on legal technicalities to avoid addressing cumulative impacts that would be felt by this development and GA2.
- Concerns raised were based on 20 years of enduring poor planning decisions that would be made worse by this development.
- Weston Parish Council, Graveley Parish Council, Great Ashby Community Council, nearly all 250 resident responses and the two district councillors representing Great Ashby were united in objection on the same material points.
- To avoid another generation of Great Ashby residents having to suffer because of poor planning, the application should be rejected.

There were no points of clarification from Members.

The Chair thanked Councillors Williams and Poopalasingham for their verbal presentations and invited the Applicant Representatives, Mr Paul Derry, Mr Richard Kelly and Mr Julian Clarke to speak in support of the application. They thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The Applicant, Croudace Homes Ltd. was a family-owned house builder with its regional office located in Letchworth.
- 112 of the 281 proposed dwellings were classed as affordable, equating to 40%.
- While the site had capacity was for 330 homes, recent works on ecology and biodiversity showed that larger buffers to the adjoining woodland were needed and so the agreed number of 281 would meet the housing need of the district while supporting on-site open space.
- The previous application on the site had been withdrawn due to concerns over its layout, relation to the woodland and possible rat running on the nearby lanes.
- Since its withdrawal, extensive engagement had taken place with District and County Council officers as well as key stakeholders which had culminated in this application that had received support from all statutory consultees.
- The public objections were acknowledged, and their report showed how the application was acceptable despite those.
- The site was allocated for residential development in the adopted Local Plan as site GA1.
- The application was submitted in full and contained full details of each house type, internal road details and landscaped plans that were supported by technical reports.
- Highway access had been discussed thoroughly with officers from both District and County Councils.
- To overcome the risk of rat running identified on the previous application, the site layout had been split into two areas with approximately two thirds accessing the site from Haybluff Drive to the east and the remainder from Back Lane.
- There was no vehicle linkage between these areas except for emergency vehicle access.
- The access had been modelled to respect the existing road network and sought to reduce rat running through neighbouring villages.
- Sustainable links through the site were provided to reduce reliance on car use and provide safe passage for pedestrians and cyclists to the south-east corner of the site where provision would be made for a new bus service, as well as car sharing and cycle hire schemes.
- The Highways Authority were content with the Transport Assessment within the application after imposing mitigations and planning conditions relating to the monitor and manage scheme, construction traffic and parking.
- The proposal met credentials within the Sustainability Supplementary Planning Document and achieved Silver for its passive design, promotion of fabric performance and biodiversity.
- At a minimum, 25% of the dwellings would be fitted with solar panels which was a further benefit beyond the already submitted sustainability reports.
- The site would deliver a 17.8% increase in habitat units and 14.3% increase in hedge row units ensuring the 10% statutory biodiversity net gain would be achieved on-site.
- Provision of a play-on-the-way feature and direct linkage to the Hertfordshire Way would be ensured by the development.
- S106 contributions would support off-site infrastructure in education and healthcare.
- They hoped that the Committee would be happy with the recommendation to grant permission after working with all parties to progress the application to its current state.

The following Members asked points of clarification:

- Councillor Martin Prescott
- Councillor Steve Jarvis

In response to points of clarification, the Applicant Representatives advised that:

- It was found that 25% of dwellings would maximise the benefit of solar panels, and this would act as a floor for the percentage of dwellings that would be fitted with them, with the potential for more to be added to this percentage under the technical approvals in the building regulations, but this was not guaranteed.
- Traffic modelling had been focused on highway junctions rather than linear lengths of road.
- The primary access to the site would be from Haybluff Drive which would serve two thirds of the traffic but it was accepted that there would be low volumes of traffic rerouting from Haybluff Drive via Back Lane.
- A comparison of traffic volume along Calder Way during and after a closure of North Road in Stevenage showed that more traffic was attracted to Calder Way during the closure and reduced significantly after North Road was reopened. However, the traffic volume along Calder Way once the development was built would only be a fraction of that which used the road during the closure.
- The Highways Authority sought no more representative analysis of the modelling that was submitted with the application.
- Using their traffic analysis and census information, they estimated that one vehicle would access Calder Way from Back Lane every two minutes in the morning peak hour compared to one vehicle per minute during the closure of North Road, therefore the Highways Authority were content that more sophisticated analysis was not needed.
- The Applicant was agreeable to undertake mitigations before first occupancy as preferred by members of the public, however, the Highways Authority advised that it would go against Local Transport Note 1/20 and their Transport Plan and therefore objected to this. Consequently, after further discussion with officers, monitor and manage had been identified as an appropriate system as Highways did not perceive the development to cause any issues, but this would address any that arose in the future.
- Detailed schemes for using the funding were not specified, therefore, the Highways Authority had flexibility to claim funding from the monitor and manage scheme for a variety of issues.
- They had tried their utmost to structure the monitor and manage approach to satisfy all parties.

In response to verbal presentations, the Senior Planning Officer advised that:

- The Highways Authority anticipated that the development would not cause significant harm in terms of congestion or shortage of parking thus they had not raised an objection to the scheme and consequently, the monitor and manage approach had been opted for.
- It would be unreasonable to ask the Applicant to create a Construction Traffic Management Plan before permission on the application was granted and this should be created at an optimal point.
- Emergency access had been covered in the Addendum to the report.
- The number of visitor spaces was slightly below the amount needed but this would be offset by some dwellings having more spaces allocated to them than required.
- The Applicant was only required to mitigate the impacts of their development, not preexisting issues.
- The NHS ICB had looked strategically in the wider Stevenage area and recommended that S106 contributions should be made to a medical facility on the NS1 site. There was the hope that this facility would take pressure away from existing facilities in the area.

In response to verbal presentations, the Senior Transport Policy Officer advised that:

- The speed limit on Back Lane and Calder Way was currently 30mph and a consultation had already been taken with the public to reduce speed limits to 20mph in the

Stevenage and Great Ashby area, however, this did not receive sufficient support to proceed.

- However, the Highways Authority could propose to reduce the speed limit on Back Lane or Calder Way if they felt that it was needed and this would go through the usual consultation process.
- While the Applicant had modelled the cumulative impact of GA1 and GA2 on the wider road network and the Highways Authority did not feel the need to add any mitigations on this, it would be the responsibility of the GA2 developer to carry out any mitigations resulting from the cumulative impact of its development.
- The Highways Authority had not objected to the proposal, therefore, it would not defend the refusal of the application if it was appealed by the Applicant.

In response to verbal presentations, the Team Leader Major Sites advised that:

- The Highways Authority had indicated that no mitigation measures were required at this stage and had not raised an objection to the application.
- If the Council made a decision on the application contrary to the recommendations of the Highways Authority, they could refuse to sign off any alternative uses for the S106 contributions as they were an S106 signatory.
- There was an extension on the statutory consultation period of this application until 31 July 2025 and deferral could risk an appeal from the Applicant on the grounds of non-determination.

The following Members asked additional questions:

- Councillor Steve Jarvis
- Councillor Martin Prescott

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

- Construction management plans were available on the Council website if members of the public wanted to comment on them, however, it was not normal for them to carry out consultations on them as applications for approval of details reserved by condition required the Council to make a decision on them within eight weeks. Instead, they relied on consultation with the Highways Authority.
- The Environmental Health team would be consulted on the noise generation aspect of the Construction Traffic Management Plan.
- One advantage to the monitor and manage approach was that Hertfordshire County Council could consult on the mitigation measures before they were implemented through their normal consultation process which would take into account the differing views of stakeholders.

In response to additional questions, the Team Leader Major Sites advised that:

- The monitor and manage approach was a condition that had been recommended by the Highways Authority, therefore, reaching out to members of the public for comments on this could potentially cause frustration if the Highways Authority chose to uphold their recommendation.
- Members of the public were welcome to register on the Planning Portal to comment on applications and receive notifications on existing applications and new applications.

In response to additional questions, the Senior Transport Policy Officer advised that:

- The Highways Authority was not keen to implement mitigations prematurely as it could exacerbate problems such as rat running.

- The monitor and manage approach would optimise the timing of mitigations by meeting needs where they arose rather than creating additional capacity for use by the wrong parties.
- There were different types of mitigations and putting footways in Weston would not mitigate the impacts of this development but Strand 2 Highways Contributions from this site could potentially be spent on improving these.
- The monitor and manage scheme did not have full details of the mitigations that would be implemented as these would be developed flexibly in response to modelling and observed data.

Councillor Ian Mantle proposed to grant permission and this was seconded by Councillor Mick Debenham.

The following Members took part in the debate:

- Councillor Steve Jarvis
- Councillor Dave Winstanley
- Councillor Clare Billing
- Councillor Martin Prescott
- Councillor Nigel Mason
- Councillor Ian Mantle

The following points were raised as part of the debate:

- Aside from the access issues, the development was deemed as good.
- The monitor and manage approach would not deliver a satisfactory result for Great Ashby and Graveley residents, therefore, a better system should be devised before granting permission.
- The monitor and manage system was a concern as there were lots of preexisting problems in Great Ashby and the development would only compound these.
- The Highways Authority did not see any issues to object to the application, but just in case issues did arise, they would be addressed with the monitor and manage approach.
- The development was acceptable and it was noted by the public objectors that the developer had worked hard to provide solutions to several issues that had been identified. However, there was concern over the access to the development and more detail would be needed on the monitor and manage approach before permission was granted as it would not adequately address the access issues.
- Due to the Council being unable to demonstrate a 5-year housing land supply in the district, the adverse impacts would have to significantly outweigh the benefits for the Committee to defer or refuse it.
- Despite the statutory deadline of 31 July, they could defer a decision on the application and receive information regarding the monitor and manage scheme long before any appeal for non-determination was heard.
- The Committee were speculating on what they did not know would happen.
- A consultation that did not account for the views of those that took part in it was not a consultation.

In response to points in the debate, the Locum Planning Lawyer advised that deferral was only appropriate when it served a clear purpose and would need planning reasoning to support the decision.

Councillor Martin Prescott noted that some Members of the Committee were not clear on the monitor and manage programme as it had not been designed yet.

The Chair clarified that they were debating on a motion to grant permission rather than defer the application.

In response to points raised in the debate, the Team Leader Major Sites advised that the monitor and manage scheme was described in further detail in a Technical Note to the application, therefore, the Committee would need to expand on what the scheme would need if the application was deferred or rejected.

In response to points raised in the debate, the Senior Transport Policy Officer advised that:

- The Technical Note provided by the Applicant on the monitor and manage approach, dated May 2025, was a 20-page document was uploaded to the Planning Portal.
- It detailed framework for how the monitor and manage programme could work and the potential mitigations that could be used.
- The detail of the programme would be agreed with the Highways Authority as a planning condition.

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

RESOLVED: That application 24/02889/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 clause (A), the addition of Conditions 50 to 53 and related Informative, the amendments to Conditions 3 to 5, Condition 16, Condition 18, Condition 23, Condition 25, Condition 35, Condition 36, and the combining of Conditions 27 and 49, as follows:

‘Condition 50

All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 6 December 2024), 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.

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

Condition 51

Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, Flood Risk Assessment (dated 6 December 2024) and Technical Memorandum (dated 23 May 2025) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the Page 3 Agenda Item 5 agreed drainage scheme shall occur without prior written approval from the Local Authority.

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

Condition 52

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

The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

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

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

Condition 53

Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 51. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

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

Informative

“For further advice on what we expect to be contained within the FRA and/ or a Drainage Strategy to support a planning application, please refer to the Validation List and Proforma on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC’s Flood Risk Management policies on SuDS in Hertfordshire. We do expect the Validation List to be submitted to the Local Planning Authority and LLFA to show you have provided all information and the Proforma to the LLFA to summarise the details of the proposed development.

Both FEH13 and FEH22 are currently accepted to support drainage modelling calculations. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted.”

Condition 3

“Highways

No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i. Roads, footways.
- ii. Cycleways.
- iii. Foul and surface water drainage.
- iv. Visibility splays
- v. Access arrangements
- vi. Parking provision in accordance with parking locations plan DES-716-110 Rev 3
- vii. Loading areas.
- viii. 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). Page 5 Specified that parking provision shall be in accordance with the parking locations plan, which is in accordance with the Local Plan standards."

Condition 4

"Prior to the first occupation of the development hereby permitted the vehicular and active travel accesses shall be completed and thereafter retained as shown on Transport Assessment drawing numbers (PL101 Rev - , PL102 Rev - & PL103 Rev) 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)."

Condition 5

"Surface Water

Prior to first occupation 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).

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)."

Condition 16

"Ecological Enhancements

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 bricks, at a rate equivalent to one per unit, in buildings/structures and hedgehog holes in fences, as informed by the December 2024 Ecological Impact Assessment, has been submitted to and approved in writing by the local planning authority. The approved Ecological Enhancement Plan shall be implemented on site.

Reason: To conserve and enhance biodiversity in accordance with Policy NE4 of the North Hertfordshire District Local Plan 2011-2031."

Condition 18

"Fencing

Fencing Notwithstanding the approved plans, details of the proposed fencing along the western boundary (adjacent to the woodland) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site and permanently maintained.

Reason: In the interests of ecology and visual impact in accordance with Policies D1 and NE4 of the North Hertfordshire Local Plan."

Condition 23

"Land contamination

Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy (agreed under condition 22). Any such validation shall include responses to any unexpected contamination discovered during works.

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

Condition 25

"Noise

The development shall be constructed in accordance with the submitted plans including the noise mitigation scheme as set out in the submitted MEC Ltd noise assessment report dated March 2025 (25521-ENV-0402 Rev B).

Reason: In the interests of protecting living conditions of future occupiers in accordance with Policy D3 of the North Hertfordshire District Local Plan 2011- 2031."

Condition 35

"EV charging points plan

Prior to the first occupation of the development hereby approved details of siting, number and design of the Electric Vehicle Charging Points shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed prior to the occupation of each dwelling and permanently retained thereafter. Each of the proposed new dwellings shall have an Electric Vehicle (EV) charging point. Proposals should also be made for the provision of EV charging within other public parking areas of the proposed development.

Reason: To avoid obstruction of the footpaths and in the interests of good urban design/visual impact in accordance with Policy D1 of the North Hertfordshire District Local Plan 2011-2031."

Condition 36

"Cycle parking

No development shall commence until details of the cycle parking in accordance with DES-716-265-0 (Bins and Cycle Storage Plans and Elevations) and DES-716-110-3 Parking Location Plan have been submitted to and approved in writing by the Local Planning Authority.

The cycle parking provision shown shall accord with the guidance in LTN 1/20 on Cycle Infrastructure Design as a minimum unless local cycle parking standards are greater. The development or any phase of the development, whichever is the sooner, shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of and visitors to the proposed development in compliance with the guidance in the Hertfordshire Place & Movement Planning and Design Guide and LTN1/20 on Cycle Infrastructure Design as a minimum, and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) and in the interests of good urban design/visual impact in accordance with Policy D1 of the North Hertfordshire District Local Plan 2011-2031.'

Condition 27

"Landscape Management Plan

No development above ground level shall take place until a landscape management plan, including long term design objectives, management Page 7 responsibilities and maintenance schedules and periods for all soft landscape areas (other than privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall cover the management and maintenance of all areas of open space (to include parks, greenways, play areas, informal open space, seminatural green space). 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 landscape management plan shall be carried out in accordance with the approved details and timetable. 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 the longevity of the landscaping scheme and protect the visual amenity and character of the area, in accordance with Policies SP12, NE6 and GA1 of the North Hertfordshire District Local Plan 2011-2031.'

N.B. Following the conclusion of this item, there was a break in proceedings at 21.58 and the meeting reconvened at 22.08.

26 24/02455/FP LAND OPPOSITE WYMONDLEY GRID STATION AND TO THE SOUTH OF SPERBERRY HILL, ST IPPOLYTS, HERTFORDSHIRE

Audio recording – 3 hours 8 minutes 35 seconds

The Senior Planning Officer provided a verbal update on matters within the Addendum to the report in respect of Application 24/02455/FP, as well as other updated matters relating to the application and advised that:

- The appeal lodged against the decision on the Wandon End Solar Farm application had been allowed following a Public Inquiry and planning permission had been granted.
- Wymondley Parish Council had written a second letter of objection in relation to a grey belt assessment document produced by the Applicant.
- Pre-commencement conditions had been agreed by the Applicant Agent.
- Green Belt Review categorisation of sub-parcel 10a within the report had been changed, however, the overall recommendation had not changed due to this carrying little weight.
- An updated list of conditions had been added to the recommendations, including the addition of a Construction Traffic Management Plan, and were detailed in the supplementary documents.

The Senior Planning Officer presented the report in respect of Application 24/02455/FP supported by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Caroline McDonnell
- Councillor Mick Debenham

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

- There were similarities between this application and the one at Wandon End and the recent appeal decision could be used as guidance to inform their decision. However, the report for this application had been published before the outcome of the Public Inquiry and each application should be assessed individually on its own merits.
- Cumulative loss of the Green Belt within the district had not been directly addressed in the report but it detailed that the impact of the site would be limited against the part 3 consideration due to its scale and benefits.
- There were residential properties within view of the site, however, the impact of the development had been considered and mitigation measures would be put in place, such as enhanced boundary treatment and hedgerow planting.

The Chair invited the first Public Objector, St Ippolyts Parish Councillor Peter Hobson to speak against the application. Councillor Hobson thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The approval of the application rested on whether the land would be designated as Grey Belt or Green Belt.
- They felt that the developer was taking advantage of the grey belt requirements outlined in the Planning Policy Guidance (PPG), particularly paragraph 7.
- In the 2016 Green Belt Review, one of the two fields in the application site was classified as making a strong contribution to the Green Belt purpose, particularly purposes A and B.
- This contribution applied at the granular level of sub-parcel 10a which covered a substantial part of the site and parcel 10 which covered the Langley Valley, a major part of the green belt gap between Stevenage and Hitchin.
- Applying paragraph 7 of the PPG precluded the Grey Belt land classification.

- The site at Wandon End was assessed by the Appeal Inspector as Grey Belt due to its moderate contribution to purpose A of the Green Belt, whereas this site gave a strong contribution to both purposes A and B.
- The Wandon End Appeal Inspector gave some weight to the 2016 Green Belt Review in their assessment of the application.
- This land had an even stronger case for contributing to the Green Belt as another solar farm in Wymondley had recently been granted permission.
- Granting permission for this application would erode the Green Belt further between Hitchin and Stevenage.
- If the Committee had any doubts about this application, they should defer it and evaluate the Green Belt value between Hitchin and Stevenage.
- The costs of the above would be far less than those of a flawed decision being challenged and the loss of Green Belt that would be felt by generations to come.

There were no points of clarification from Members.

The Chair thanked Parish Councillor Hobson for their presentation and invited the second Public Objector, Wymondley Parish Councillor Paul Harding to speak against the application. Councillor Harding thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The narrow and strategic gap between Hitchin and Stevenage was under pressure by both housing and renewable infrastructure.
- No mention was made of the land that was safeguarded for development at Stevenage West in the report of the Senior Planning Officer which should be protected by the Green Belt.
- Land west of the A1 (M) had already been granted planning permission for a 1300-dwelling development with access routes into the safeguarded land and consequently, the 1km gap quoted in the report of the Senior Planning Officer would be approximately 100 metres after development had taken place.
- Development on the edge of Hitchin would result in continuous urban influence extending close to the western boundary of the site.
- The site was measured at 1.5km in length and would lead to a perceived narrowing of the gap between Stevenage and Hitchin, adding to their coalescence both physically and functionally and providing a strong case for its designation to the Green Belt.
- The cumulative impact of WY1, North Stevenage developments and solar farm already granted permission in Wymondley would be immense on the strategic gap.
- The area contained open, rolling, arable land with views to the skyline and the panels would produce a hard, reflective grid visible from the Hertfordshire Way.
- If the application was granted permission, nearby residents would be surrounded by an industrial fenced environment resulting from this and the aforementioned developments.
- A reduction in resident wellbeing resulting from the cumulative impacts of these developments should carry significant weight when considering this application.

There were no points of clarification from Members.

The Chair thanked Parish Councillor Harding for their presentation and invited the third Public Objector, Mr Andy Hammond to speak against the application. Mr Hammond thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- They lived adjacent to the proposed site and operated a vineyard on its southern edge.
- The application presented was mostly the same as the one that the Council overwhelmingly refused eighteen months ago.
- Unacceptable harm to the Green Belt and rural landscape remained valid as a reason to refuse to grant permission for this application.

- The site lay within the Green Belt and was comprised of Grade 2 and 3a agricultural land, which was designated as best and most versatile under the National Planning Policy Framework (NPPF) and produced approximately 200 tonnes of wheat each year, contributing to local and national food security.
- Development on such land should only occur in exceptional cases as per the NPPF.
- This application was not in isolation with permission granted for solar farms at Great Wymondley, Wandon End and Bygrave, which together with approved housing developments would cause a dramatic erosion of the countryside.
- Serious objections had been submitted from key consultees such as Natural England, Place Services, the Planning Consultant, Conservation, St Ippolyts Parish Council and Wymondley Parish Council whose input deserved real weight in the considerations of the Committee.
- Construction was expected to last up to a year and operate seven days a week which would cause disruption, noise, dust and traffic to a quiet rural community.
- Local roads were already narrow and pressured and mitigations should be implemented to restrict working days, ensure a robust Construction Traffic Management Plan and have environmental oversight if permission was granted.
- The development also presented a risk to local ecology and adjoining land.
- Flooding, habitat loss and microclimate changes could all affect the viability of the vineyard and they had received no consultation from the Applicant.
- The community gained nothing from the proposal as contractors were from outside the area, there would be no discounted energy schemes, job creation was negligible, and the only benefactors were the landowner, developer and investors.
- They were not in opposition to renewable energy, but in favour of balanced development.

There were no points of clarification from Members.

The Chair thanked Mr Hammond for his presentation and invited the Member Advocate Objector, Councillor Ralph Muncer to speak against the application. Councillor Muncer thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Grey Belt was in its infancy and this site was classified under it, but Members of the Committee could be confident that it was part of the Green Belt.
- The value of this land within the Green Belt allocation was quite clear and it had been designated to prevent urban sprawl between Stevenage and Hitchin as detailed in the adopted Local Plans of both North Herts and Stevenage Borough Councils.
- This land helped to preserve the character of North Herts and the nearby villages of Gosmore, St Ippolyts, Little Wymondley and Great Wymondley.
- Approximately 150 hectares in North Herts had been approved for solar farm development in the last year which was already a significant contribution towards generating renewable energy that would help to fight climate change.
- The development would impact on food security as the agricultural quality of this site was in the upper half of the agricultural land classification.
- While access to the site would be minimal once the solar farm had been constructed, there was significant concern over access during the construction phase as this would take place via single track country lanes without providing mitigations such as passing places to prevent the worsening of congestion on Sperberry Hill and Little Almshole Lane.
- Contributions would not be felt by the local community despite the disruption it would cause to them.
- Based on the arguments that had been presented, Members had grounds to reject the application.
- If the application was not rejected, it should be deferred as the report of the Senior Planning Officer was in his opinion, fundamentally flawed and should be revised to

include an assessment of the whole site so that Members had accurate information to base their determination on.

There were no points of clarification from Members.

The Chair thanked Councillor Muncer for his presentation and invited the Applicant Representative, Mr Nick Roberts to speak in support of the application. Mr Roberts thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The proposed solar farm would generate renewable energy and displace fossil fuel generation, contributing positively towards climate change.
- North Herts Council declared a climate emergency in 2019 and had committed to becoming Net Zero by 2040, which this application would support.
- The previous recommendation to refuse the application in November 2023 was described as 'very finely balanced'.
- Since its refusal, they had improved the application by reducing its land area and the number of solar panels while retaining the energy generation capacity.
- They had also increased the stand off from existing properties and planted 3,000 square metres of new woodland.
- The balance now rested in favour of supporting the application as not only had it improved, but national policy on the Green Belt had also fundamentally changed in a way that provided greater support to the application.
- Analysis of grey belt policy by the Senior Planning Officer was correct as only the site within its boundaries should be given significant weight, not pre-existing green belt assessments on large parcels of land.
- To deliver Net Zero in North Herts, there would need to be over 750 hectares of new solar developments, invalidating the opinion that the district had already made its contribution towards renewable energy generation.
- The largest hurdle to the delivery of renewable energy was sufficient grid connection points.
- This site benefitted from a committed connection to the national grid through Wymondley Sub-Station and could begin generating renewable energy in advance of the 2030 Net Zero target set by the UK Government.
- The application should be granted permission as the Council would be delivering an improved scheme that helped to ensure environmental targets were met.

In response to a point of clarification from Councillor Mick Debenham, the Applicant Representative advised that works would take place seven days a week but with reduced hours on Saturdays and Sundays and no noise generating activities or vehicular deliveries would be carried out on Saturday afternoons or Sundays.

In response to points raised by the public speakers, the Senior Planning Officer advised that:

- The NPPF defined Grey Belt as any land that did not strongly contribute to Green Belt purposes A, B or D in paragraph 143.
- Grey Belt excluded land that possessed areas or assets of particular importance as detailed in Footnote 7 of the NPPF (other than Green Belt) that would provide a strong reason for refusal.
- These assets were listed as important habitat sites, Sites of Special Scientific Interest, local green space, national landscapes and parks, Heritage Coasts, and designated heritage assets.
- The detailed assessment associated with Grey Belt classification had been carried out on this site.
- Very limited weight was given to the 2016 Green Belt Review as its purpose was to assess Green Belt boundaries that covered a much wider portion of land whereas the

Grey Belt assessment focused on the application site, making it more relevant and giving it greater weight.

- The agricultural land within the site was categorised as Grade 3a and Grade 2, however, National Policy Statement EM3 for renewable energy infrastructure stated that ground mounted solar arrays did not need to be prohibited on agricultural land and farming would still take place through sheep grazing.
- After 40 years, the solar farm would be decommissioned and the land returned to its current use.
- Construction traffic and its on-site working hours would be controlled through the Construction Traffic Management Plan.
- Environmental Health could also control working hours through separate legislation.

The following Members asked additional questions:

- Councillor Martin Prescott
- Councillor Clare Billing
- Councillor Steve Jarvis
- Councillor Caroline McDonnell

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

- The agricultural land quality was recognised but as previously detailed, it would not be lost as it would be used for grazing if permission was granted.
- The comments from the Police Architectural Liaison Officer were in relation to the monitoring of CCTV within the site and the inability to prevent crime, but the Applicant had provided measures in response to this.
- There would be three access routes to the site, one via Stevenage Road to the north and two from Little Almshole Lane.
- S106 contributions were not required as part of the application, therefore they could not ask the Applicant for funds to improve nearby roads.
- The Construction Traffic Management Plan would set out delivery routes, delivery management methods, phasing, access methods and vehicle routing to address congestion and other issues during the temporary construction phase.
- After the site had been constructed, traffic should return to normal levels.
- Highways would have to assess whether the delivery vehicles described in the Construction Traffic Management Plan were appropriate for the nearby roads.
- Harm to the site arising from visual impact had been identified, however, they deemed that the benefits resulting from the significant biodiversity net gain and generation of renewable energy would outweigh this.
- The net biodiversity gain from this site was large as its current biodiversity was low due to its current agricultural use for growing crops.

In response to additional questions, the Team Leader Major Sites advised that:

- Even under the most ambitious scenario, solar farms would occupy less than 1% of agricultural land nationally, therefore they were not a threat to food security as evidenced by the Inspector of the Wandon End Appeal.
- The parameters and methodology of the Green Belt assessment were outdated whereas the PPG gave clear instructions on what contributed to each of the Green Belt purposes when undertaking a Grey Belt Assessment.
- The Wandon End site was immediately adjacent to an urban setting whereas this site was not, therefore, different criteria had to be considered when weighing its contribution to urban expansion.
- As stated in the PPG, a strong contribution to an urban setting was defined as an area that contributed strongly to the merging of towns or villages, was likely to be free of

existing development, formed a substantial part of a gap between towns, and the development would result in visual separation between towns.

- A moderate contribution was defined as forming a small part of the gap between towns, development was able to take place without loss of visual separation between towns and could be but not limited to the presence and close proximity of structures, natural landscapes, elements or topography that preserved visual separation.
- Weak or no contribution was defined as an area that did not contribute to a gap between towns or formed a very small part of a gap without contributing to visual separation.
- Once an application was approved in a gap between settlements, subsequent proposals were to be assessed on much of the remaining gap(s) they would form which was done on a case-by-case basis.
- The developer would have to set out the number of daily construction vehicles including their size at each stage of the development within the Construction Traffic Management Plan.
- If the Highways Authority felt that construction vehicles would cause material harm to nearby roads, they could refuse to approve the details of the plan.

Councillor Caroline McDonnell proposed to defer the application to ensure that the grey belt classification of the land was correct and this was seconded by Councillor Martin Prescott.

In response to the proposal to defer, the Locum Planning Lawyer advised that:

- This was not a valid reason to defer the application as officers had already assessed and confirmed the classification of the site as Grey Belt and this would remain the same if another review of the site was carried out.
- Officers could answer more questions on the land classification, but deferring the application to a future meeting would not yield substantially new information to inform their decision.

In response to the proposal to defer, the Team Leader Major Sites advised that:

- The officer recommendation to grant permission would not change if Members considered the land to be Green Belt rather than Grey Belt as there was already a section in the report detailing the special circumstances that would outweigh the cumulative harm of the application if the land was considered to be Green Belt.
- If the application was deferred, information provided to Members at a future meeting would not be materially different than what had already been provided.

In response to points raised by Councillor Martin Prescott, the Locum Planning Lawyer advised that:

- Members needed to provide a legal reason to defer the application.
- It had already been detailed that little information other than the reports that had already been provided to Members would be presented to the Committee at a future meeting if the application was deferred. Therefore, Members should specify what information they had not seen already that would be required at the next meeting to help them inform their decision.

In response to the advice from the Locum Planning Lawyer, Councillor Martin Prescott noted that:

- Members could challenge the subjective view of the Senior Planning Officer following the public presentations at the meeting, and the discussion between Members on the matter.
- Officers were in a better position to interpret the reasons that Members had given to refuse the application and provide legal justifications to back them.

- He was uncomfortable with accepting the downgrade of the land from Green Belt to Grey Belt considering its high agricultural value.
- There were alternatives to this proposal to achieve net biodiversity gain such as the current owner of the land planting wildflower seeds.

Councillor Ian Mantle highlighted that the Committee had enough information before them not to defer the application and that they would not receive any meaningful information to help inform their decision at a future meeting if it was deferred.

In response to a question from Councillor Caroline McDonnell, the Team Leader Major Sites advised that refusal could not be made on the categorisation of sub-parcel 10a or the Green Belt Review as they were not relevant to the site itself and could be open to cost award at an appeal.

Councillor Martin Prescott noted that given the lack of reasons to defer the application, they should refuse the application.

Councillor Caroline McDonnell withdrew her motion to defer the application and this was accepted by Councillor Martin Prescott as seconder.

Councillor Caroline McDonnell proposed to refuse permission and this was seconded by Councillor Martin Prescott.

The following Members took part in the debate:

- Councillor Steve Jarvis
- Councillor Mick Debenham
- Councillor Dave Winstanley
- Councillor Clare Billing
- Councillor Martin Prescott
- Councillor Bryony May

The following points were made as part of the debate:

- The report identified that there would be a significant visual impact from the solar farm that would not arise from other sites that were capable of meeting renewable energy needs, therefore the application should be refused.
- The site was adjacent to the sub-station which was described as an eyesore.
- The current farmer of the land did not want to grow crops.
- It had good connection to the national grid via the sub-station with minimal amounts of nearby housing, showing its appropriateness for a solar farm.
- There would be a large biodiversity net gain and fewer pesticides would be used if the land no longer produced crops.
- The downgrade of the land classification from Green Belt to Grey Belt was concerning.
- The site would be plugging the gap between Hitchin and Stevenage.
- Biodiversity net gain could be achieved in a way that did not involve solar panels.
- Crops were shown in multiple pictures of the visual presentation given by the Senior Planning Officer, therefore, the argument that the farmer did not want to grow crops was not necessarily true.
- The land was classified under the Green Belt in the Local Plan but had been defined under the Grey Belt in this application.
- While this land was relatively appropriate for a solar farm, they might be in a weaker position to defend against inappropriate areas of development on Green Belt land in the Local Plan if permission was granted for this application.

In response to points raised in the debate, the Chair asked the proposer to clarify the grounds for refusing the application.

As her right of reply, Councillor Caroline McDonnell made the following points:

- There were issues with the land categorisation as Grey Belt and it should be kept as Green Belt land.
- The buffer between Hitchin and Stevenage should be maintained.
- Hitchin, Gosmore and St Ippolyts were all close together.
- The solar farm would border a housing development on Sperberry Hill that had already been approved by the Council and the proposal to mitigate this through the planting of trees would close off the area completely.
- The visual impact on landscape and openness would be massive as it would be visible from numerous miles around.
- There would be other sites in North Herts more suitable than this one for a solar farm.
- The proposed solar farm at Priory Farm in Great Wymondley was located several miles from the nearest sub-station which meant that putting the solar farm on an alternative site to this one, further away from the sub-station was possible.

In response to points made by Councillor Caroline McDonnell, the Team Leader Major Sites summarised the material reasons for refusal as the contribution of the site to the restriction of urban sprawl and merging of settlements and as such, the site was considered to be inappropriate development within the Green Belt. Furthermore, the development would have an impact on the landscape. These were accepted by Councillor McDonnell.

Having been proposed and seconded and following a vote, the motion to refuse permission was **LOST**.

Councillor Dave Winstanley proposed to grant permission and this was seconded by Councillor Ian Mantle.

The following Members took part in the debate:

- Councillor Steve Jarvis
- Councillor Clare Billing
- Councillor Mick Debenham
- Councillor Nigel Mason

The following points were made as part of the debate:

- There was difficulty in granting permission as the implications of the Grey Belt assessment might go beyond this application.
- Members of the Committee should interpret the policy on Grey Belt rather than define it.

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

RESOLVED: That Application 24/02455/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with the amendments to Condition 4, Condition 9, Condition 12, Condition 14, Condition 16, Condition 18, Condition 24, Condition 25 and Condition 27, the removal of Condition 10 and 11 and the addition of Condition 29, as follows:

‘Condition 4

No development approved by this planning permission shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) should be informed by the 2024 Ecological Assessment and a pre-construction badger survey and include the following.

- a) *Risk assessment of potentially damaging construction activities.*
- b) *Identification of "biodiversity protection zones".*
- c) *Practical measures to avoid or reduce impacts during construction.*
- d) *The location and timing of sensitive works to harm to biodiversity features.*
- e) *The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) *Responsible persons and lines of communication.*
- g) *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) *Use of protective fences, exclusion barriers and warning signs.*
- i) *The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

Reason: To minimise the impact of the construction process on the biodiversity and ecology of the site, in line with Policy NE2 and NE4 of the Local Plan.

Condition 9

A) No development approved by this permission shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing and in accordance with the programme of work as set out in the Archaeological Brief (P01/22/0709/3). The scheme shall include an assessment of archaeological significance and research questions; and:

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

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

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

Reason: To ensure the implementation of an appropriate archaeological investigation, recording, reporting and publication, and the protection and preservation of archaeological features of significance, in accordance with North Hertfordshire Local Plan Policy HE4 and Section 16 of the NPPF 2024.

Condition 12

No development approved by this permission shall take place until a Stage 1 Road Safety Audit (RSA) for the vehicle access proposals shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the recommendations, if any, shall only be carried out in accordance with the report.

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 4 (adopted 2018).

Condition 14

All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (December 2021) and Drainage Strategy (dated 22 October 2024, REF 14855), plus any updates as required by Condition 7 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.

Condition 16

Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 7. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

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

Condition 18

No development approved by this permission shall take place until a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organization responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

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

Reason: To enhance biodiversity including any species and their habitats and in accordance with the NPPF and Policies NE4, NE12 and SP12 in the Local Plan.

Condition 24

No development approved by this permission shall take place until a Soil Management Plan has been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details. The soil management plan shall include:

- a) Measures to protect soils during development with reference to the guidance found in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites;*
- b) A works programme showing how all soil handling and trafficking operations will be undertaken and which makes allowance for poor weather/ ground conditions stoppages;*
- c) Details of how construction activities will be managed across the site to minimise impact on soils; and*
- d) Details of appropriate equipment and methods for stockpiling, resspreading and ameliorating of soil compaction in accordance with good practice techniques to minimise the risk of soil compaction.*

Reason: To protect soil quality and so enable the reinstatement of its agricultural land quality following the cessation of the solar farm use of the land in accordance with the NPPF, Defra Guidance and policy NE12 in the Local Plan.

Condition 25

Within the first planting season following the completion of construction works, the approved landscaping and biodiversity proposals to be approved shall be implemented in full.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with policies NE4, NE12 and SP12 in the Local Plan.

Condition 27

Prior to the installation of any CCTV cameras, details of measures to restrict the camera movements around the boundary of the application site to prevent viewing towards residential properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the CCTV cameras shall be installed and retained in perpetuity in accordance with the approved details.

Reason: to protect the privacy of adjacent residential properties in accordance with Policy D3 of the Local Plan.

Condition 29

Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:

- *the phasing of construction and proposed construction programme.*
- *the methods for accessing the site, including wider construction vehicle routing. Page 21*
- *the numbers of daily construction vehicles including details of their sizes, at each phase of the development.*
- *the hours of operation and construction vehicle movements.*
- *details of any highway works necessary to enable construction to take place.*
- *details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.*
- *details of any hoardings and how visibility splays will be maintained.*
- *management of traffic to reduce congestion.*
- *control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.*
- *the provision for addressing any abnormal wear and tear to the highway. waste management proposals.*
- *Provision of sufficient on-site parking prior to commencement of construction activities;*
- *Post construction restoration/reinstatement of the working areas and temporary access to the public highway;*
- *where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding and remaining road width for vehicle movements.*

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

The meeting closed at 11.39 pm

Chair

<u>Location:</u>	Land North Of Pound Farm London Road St Ippolyts Hertfordshire SG4 7NE
<u>Applicant:</u>	Mr Nathan Craker
<u>Proposal:</u>	Application for approval of reserved matters relating to Phases 2 and 3 being appearance, landscaping, layout and scale pursuant to conditions 7, 8 and 9 of planning permission 21/00434/HYA for the erection of 48 dwellings and associated works
<u>Ref. No:</u>	24/02907/RM
<u>Officer:</u>	Paul Chaston

Date of expiry of statutory period

Friday 21 March 2024

Extension of statutory period

Friday 8 August 2025

Reason for Delay

Detailed negotiations and re-consultation on amended plans and documents.

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 25/00453/NMA – Amendments to Phase 2 and 3 boundaries as non-material amendment to hybrid application reference 21/00434/HYA. This non-material amendment was granted in March 2025.
- 1.2 21/00434/HYA – Hybrid application for a residential development to provide a total of up to 84 dwellings with associated access from London Road, including provision of a roundabout, associated parking, landscaping, open space and ancillary works comprising:
Phase 1 – Application for full planning permission for the erection of 36 dwellings;

Subsequent Phases – Application for outline planning permission all matters reserved except for access on the remaining part of the site for the erection of up to 48 dwellings. This application was granted in March 2024.

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 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 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 HE1: Designated Heritage Assets
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 Hitchin.

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 an allocated housing site under Policy HT2 and the adopted Local Plan removed the site from the Green Belt for development and incorporated with the settlement boundary of Hitchin. This policy also contains detailed policy criteria for consideration in the determination of any relevant applications for planning permission.
- 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
 Section 16: Conserving and enhancing the historic environment
- 2.6 **Supplementary Planning Documents**
 Design SPD (2011)
 Planning Obligations SPD (2023)
 Vehicle Parking Provision at New Development SPD (2011)
 Sustainability SPD (2024)
 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 **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 **St Ippolyts Parish Council** – No objection.
- 3.2 **NHDC Environmental Health (Contaminated Land)** – No objection.
- 3.3 **NHDC Environmental Health (Noise)** – No objection.
- 3.4 **NHDC Environmental Health (Air Quality)** – No objection.

3.5 **NHDC Waste and Recycling** – No objection.

3.6 **NHDC Housing Supply Officer** – Based on 84 dwellings overall and a 40% affordable housing requirement, in accordance with the Local Plan, this equates to the provision of 34 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 equates to 22 rented units and 12 intermediate affordable housing units.

The affordable housing mix was agreed for all phases of the proposed development as part of the original hybrid permission 21/00434/HYA. The exact details of the affordable housing mix are provided later in this report.

3.7 **HCC Highways** – No objection subject to conditions.

3.8 **HCC Growth and Infrastructure** – No objection.

3.9 **HCC Lead Local Flood Authority (LLFA)** – No objection.

3.10 **HCC Historic Environment (Archaeology)** – No objection.

3.11 **HCC Rights of Way** – No comments.

3.12 **HCC Minerals and Waste** – No comments.

3.13 **Herts & Middlesex Wildlife Trust** – No comments.

3.14 **Herts Constabulary Crime Prevention** – Recommendations made to include lockable gates on several dwellings with side/rear access to rear of these respective dwellings. These recommendations were incorporated into the latest version of the plan drawings that accompany this submission.

3.15 **Environment Agency** – No comments.

3.16 **Natural England** – No objection.

3.17 **CPRE** – No comments.

3.18 **UK Power Networks** – No comments.

3.19 **HCC Fire and Rescue Services** – No comments.

3.20 **NHDC Ecology** – No objection.

3.21 **NHDC Leisure Manager** – No comments.

3.22 **NHDC Greenspace Manager** – No comments.

- 3.23 **NHS ICB** – No comments.
- 3.24 **Hitchin Forum** – No comments.
- 3.25 **Anglian Water** – No objection.
- 3.26 **Affinity Water** – No objection.

Neighbour and Local Resident Representations

- 3.27 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 8 comments have been received including 5 objections and 3 neutral comments.
- 3.28 Neighbours objections and concerns are summarised as follows:
- Increased traffic and congestion
 - Concerns around highway safety for road users, pedestrians and cyclists
 - Inadequate existing road infrastructure
 - Safety concerns around vehicle movements and lack of visibility at the junction of Mill Lane/London Road
 - Concerns around proposed planting and site boundary treatments
 - Flooding and drainage concerns
 - Impact of vehicles, tools and machinery associated with the construction phase
 - Impact of noise and disturbance during the construction phase
 - Concerns around a lack of onsite parking provision

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application site extends to about 3.48 hectares and is a single field to the south-eastern edge of Hitchin and about 400m to the north of St. Ippolyts. The site is bounded to the west by the B656 London Road. There is a small housing estate to the north accessed by a roundabout at the junction of London Road and Broadmeadow Ride. There is woodland to the east, within which there is a pond and Ippolyts Brook. To the south there is Pound Farm, which is a grade II listed building and associated dwellings converted or styled on agricultural buildings. There are residential properties on the opposite side of London Road, to the north-west of the site.
- 4.1.2 There are hedgerows with trees along the eastern and southern boundaries and sparse vegetation along the western boundary with London Road. There is a post and wire fence along the northern boundary beyond which there is a landscape corridor and footpath separating the site from the 1980s Ash/Lark Drive estate to the north. The site slopes down gently to the east towards the adjacent woodland.

4.2 Proposal

- 4.2.1 This reserved matters application follows the recent grant of outline planning permission which formed part of a hybrid application (Application Ref. 21/00434/HYA) described as follows:

“Hybrid application for a residential development to provide a total of up to 84 dwellings with associated access from London Road, including provision of a roundabout, associated parking, landscaping, open space and ancillary works comprising: Phase 1 – Application for full planning permission for the erection of 36 dwellings; Subsequent Phases – Application for outline planning permission all matters reserved except for access on the remaining part of the site for the erection of up to 48 dwellings.”

- 4.2.2 The outline element associated with the hybrid application relates to Phases 2 and 3. All matters were reserved except for access. The application seeks the approval of details for the following reserved matters in relation to the Phase 2 and 3 elements pursuant to conditions 7, 8 and 9 of the hybrid planning permission:

- Layout
- Scale
- Landscaping
- Appearance

- 4.2.3 In addition to the above, the application also seeks approval for the details required by condition 10 of the hybrid permission 21/00434/HYA in relation to the cycle parking/storage facilities for all phases of the development.

- 4.2.4 The development at Land north of Pound Farm will be delivered in three phases. The first phase ('Phase 1') relates to the detailed element, comprising 36 dwellings and associated works for which full planning permission has been granted under the hybrid application. The Phase 1 area covers the western portion of the site, incorporating the London Road frontage, as well as the land required for the central spine road and the areas of open space – as detailed on the accompanying drawings. 'Phase 2' comprises the central part of the site on either side of the spine road with 'Phase 3' occupying the easternmost developable portion of the site. Phases 2 and 3, to which this application relates, comprise a total of 48 dwellings.

- 4.2.5 The overall scheme in detail proposes 84 dwellings as follows:

Affordable Housing

33 x affordable dwellings (40%)

Phase 1

Affordable Rented Units comprising:

6 x one bedroom flats incl. 3 x M4(3) wheelchair accessible standard (plots 13, 16, 32, 33, 34 & 36)

2 x two bedroom flats (plots 35,37)

7 x three bedroom houses (plots 11,12,14,15,17,18,19)

Shared Ownership Units comprising:
2 x one bedroom flats (plots 30, 31)
4 x two bedroom flats (plots 26,27,28,29)

Phases 2 and 3

Affordable Rented Units comprising:
5 x two bedroom houses (plots 56,57,58,60,61)

Social Rented Units comprising:
1 x four bedroom house M4(3) wheelchair accessible standard (plot 59)

Shared Ownership Units comprising:
2 x two bedroom houses (plots 62, 63)
4 x three bedroom houses (plots 52,53,54,55)

Market Housing

51 x dwellings (60%)

Phase 1

1 x two bedroom dwellings
8 x three bedroom dwellings
6 x four bedroom dwellings

Phases 2 and 3

4 x two bedroom dwellings
11 x three bedroom dwellings
9 x four bedroom dwellings
12 x five bedroom dwellings

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

- Site Location Plan
- Existing Site Plan
- Proposed Site Layout Plan
- Garage and Cycle Store Plans
- Coloured Street Scenes
- Phases 2 & 3 Coloured Masterplan
- Proposed House Types Drawings
- Affordable and Shared Ownership Plan
- Typical Single Driveway Setting Out Plan
- Typical Shared Parking Setting Out Plan
- Recycling Stores and Routes Plan
- Planting Plans and Planting Plan Overview
- Hard Landscape Plan and Hard Landscape Overview
- Planning Statement
- Design and Access Statement
- Drainage Strategy and Drainage Details

- Arboricultural Impact Assessment and Method Statement
- Landscaping Management Plan
- Specification for Landscape and Horticultural Works
- Transport Assessment
- Energy Statement

5.0 **Key Issues**

5.1 As this is a reserved matters application relating to an already approved hybrid (part full, part outline) permission complete with legal agreement, the discussion relates only to details which have been reserved, namely:

- Layout
- Scale
- Landscaping
- Appearance

Accordingly, the report will be structured around these headings with an added section dealing with 'other matters' such as affordable housing, ecology, sustainability etc. following a short introduction, which are only material insofar as they relate to the reserved matters and overall compliance with the outline planning permission.

5.2 **Introduction**

5.2.1 The application has been identified in the North Herts Local Plan as a housing site (HT2). The HT2 allocation has a dwelling estimate of 84 units and the following considerations for development are set out in the plan:

Policy HT2 – Land north of Pound Farm (St Ippolyts parish) – Dwelling estimate 84 homes

- Site layout designed to take account of existing wastewater infrastructure;
- Address existing surface water flood risk issues through SUDs or other appropriate solution;
- No residential development within Flood Zone 2;
- Maintain appropriate buffer zone from Ippolitts Brook at south-east of site;
- Consider and mitigate against any adverse impacts upon adjoining priority habitat (deciduous woodland) and key features of interest of adjacent local wildlife site (Folly Alder Swamp);
- Retain and reinforce planting along southern and eastern boundaries to ensure integrity of revised Green Belt boundary; and
- Sensitive design towards south-west of site and in areas viewed from Mill Lane to minimise harm to heritage assets.

5.3 **Layout**

5.3.1 Layout is defined in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as, *"the way in which buildings, routes and open spaces within the development are provided, situated, orientated in relation to each other and to buildings and spaces outside the development..."*

- 5.3.2 The layout of the scheme has evolved and been amended during course of the application following negotiations with the applicant. Consequently, the following amendments have been made to the scheme:
- The garages from plots 38, 39, 46, 47, 48, 49, 50, 51, 65, 66, 69, 70, 76 and 77 have been entirely removed replacing them either with on-plot driveway parking, or in some instances car ports in line with the main dwelling to maximise the size of rear garden areas and address shadowing concerns.
 - The garages on plots 40, 64, 68, 71, 72, 74, 75, 78, 80, 81 and 82 have been amended by adjusting the depth of the garages in the plots to maximise the size of rear garden areas and address shadowing concerns.
 - Plot 24 has been reconfigured to improve the plot arrangement with the garage and reduce any shadowing effect in the rear garden/patio area.
 - The rear garden area of plot 61 has been reconfigured to provide a larger amenity space for future occupiers of this plot.
 - An additional pedestrian link has been provided opposite plots 40 and 72 which will provide more direct access to the public footpath that runs parallel to the northern boundary of the site and Larch Avenue.
- 5.3.3 The main spine road creates a west-east link within the site which intersects with a north-south link road incorporating an attractive central square open space. These roads are all linked together with an outer perimeter road, which creates a legible development and means that the development has largely active frontages with properties mostly 'looking out' of the development. The buildings on corner plots are dual aspect with windows serving habitable rooms on both sides which creates active frontages, and overall, the buildings would be of a reasonable height and spacing in relation to the road network.
- 5.3.4 Access is not a reserved matter as the means of access was approved as part of the hybrid application. However, the layout of the roads and pedestrian routes within the site in respect of phases 2 and 3 is considered as part of this reserved matters application. The Highways Authority have confirmed in their consultation response that the broad layout of the proposed internal access roads is acceptable. They have also confirmed that the internal roads will not be adopted by the Highways Authority. Notwithstanding this, they should be built to adoptable standards before first occupation. All waste collection points are shown to be within 25m of the refuse vehicle location. In terms of parking bays, all appear to meet standards in terms of dimensions and manoeuvrability space around them, and designated cycle spaces are shown. Overall, the Highways Authority have confirmed they do not object to the proposal subject to conditions and informatives.
- 5.3.5 The scheme is shown as being divided into four different character areas (Main Street, Central Square, Back Lanes and Green Edge) as identified in the Design and Access Statement. It is the officer view that a site of this size does not require distinct character areas. However, it is considered that the overall design approach taken is appropriate and the proposed development would relate successfully to its context.
- 5.3.6 It is considered that the proposed dwellings closest to the southern boundary (plots 52 to 63) would not have an adverse impact upon any existing properties to the south of the application site in terms of loss of privacy or built impact. This is by reason of the physical distance between the proposed dwellings and those existing properties as well as the existing trees and vegetation situated along the southern site boundary. Further on-site

enhancements are also proposed in the form of tree, hedge and shrub planting to reinforce the landscaping buffer along this site boundary. This is discussed in more detail later in this report. In terms of plots 43 and 44, the effect upon neighbouring amenity and separation distance between these dwellings and the existing properties immediately to the south of the application site was deemed acceptable as part of the hybrid (phase 1) application.

- 5.3.7 In terms of the proposed dwellings situated closest to the northern boundary of the site, these are plots 38, 39, 40, 72 and 73. In between these dwellings and the northern site boundary is the perimeter vehicular access road, and a strip of open green space, which is proposed to be enhanced with tree and vegetation planting. By virtue of the distance between these dwellings and the closest existing properties on Larch Avenue and Sycamore Close, it is considered that there would be no adverse impact upon these properties in terms of loss of privacy or built impact. Beyond the northern site boundary, there is also a strip of green space consisting of trees and a walking/cycling route which contributes substantially towards providing a meaningful separation space between the existing Broadmeadow Ride development and the application site; this area of land would remain the same.
- 5.3.8 The layout is such that no individual building within the development would be unreasonably impacted by surrounding buildings in terms of outlook, lack of light or loss of privacy. The back-to-back distances and back-to side-distances are considered reasonable. Where there are relatively close back to side distances between dwellings, there are no relationships in the proposed layout where there would be a conflict of windows with potential for overlooking.
- 5.3.9 Private garden space would be acceptable. The scheme has been redesigned to reduce the overall amount of garaging and on-site parking whilst still achieving the required minimum parking standards. This in turn has resulted in larger private garden areas to those relevant plots.
- 5.3.10 The plans demonstrate that the property sizes meet the technical housing standards – nationally described space standards.
- 5.3.11 The scheme has been redesigned so that it is less parking dominated. Regarding provision of car parking, the applicant has provided at least two spaces for all two, three, four and five bed units, as well as visitor parking across the site. Car parking spaces for all houses are conveniently located as close to the unit as possible to prevent on street parking, whilst not dominating the streetscene. There are 79 allocated parking spaces and 17 garage spaces (96 spaces in total). 35% of the houses have garages. For the purposes of calculating the parking spaces, the garages have been taken into consideration on the basis that the proposed dimensions of the garages would meet the minimum standard to be counted toward the overall on-site parking calculation. It is calculated by officers that the Local Plan parking standards require 96 parking spaces (including garage spaces). It has been demonstrated on the Proposed Site Layout Plan that this parking standard would be met. In terms of visitor parking spaces, 27 spaces are proposed which equates to 0.54 visitor spaces per dwelling. This is considered acceptable given the sustainable location of the site on the edge of Hitchin.

- 5.3.12 Most of the parking would be on plot and a significant proportion of the car parking would be provided to the side of dwellings. Where parking is proposed in front of dwellinghouses, space for landscaping has been provided to soften the parking in the streetscene. Landscaping is proposed to help settle parked cars into the street.
- 5.3.13 Condition 10 of the hybrid permission in respect of each phase of the development, requires details of the secured/covered cycle parking spaces to the submitted and approved by the Local Planning Authority prior to first occupation of each phase. In this regard, the relevant details have been provided in the submitted 'Proposed Site Layout Plan' and the 'Proposed Plans and Elevations for Garages & Cycle Store'. I consider the design of the proposed storage facilities and the proposed on-plot locations in respect of each dwelling to be acceptable.
- 5.3.14 The submitted 'Affordable & Shared Ownership Plan' shows the location of the affordable housing units throughout the site. In terms of phases 2 & 3, the affordable units would be roughly clustered together in the central southern section of the site. Although this would in general terms be contrary to the affordable housing guidance set out in the North Herts Developer Contributions SPD, the context here is important. When you consider the overall distribution of the affordable housing throughout the entire site amongst phases 1, 2 & 3 (as shown on the Affordable & Shared Ownership Plan), this demonstrates a good distribution of units throughout the western, northern and southern areas of the overall site. Furthermore, the efforts of the applicant have been acknowledged in terms of the choice of materials and design features that have been incorporated into the affordable units to make the development tenure blind.
- 5.3.15 In summary, the amended proposed layout is considered acceptable. The central open space and perimeter road layout represents good design. The proposed design is appropriate in its context on the edge of an existing settlement and would relate well to the existing residential development. It is considered that the proposed layout complies with North Herts Local Plan policies D1, D3 and T2.

5.4 Landscaping

- 5.4.1 Landscaping, in relation to reserved matters applications, is defined in the Town and Country planning (Development Management procedure) Order 2015 (as amended) as: *'the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out of provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features...'*
- 5.4.2 The application is accompanied by Planting Plans, Hard Landscaping Plans, a Landscape Management Plan, a Specification for Landscape & Horticultural Works, and an Arboricultural Impact Assessment & Method Statement.
- 5.4.3 It is noteworthy that details relevant to the public open space at the rear of the site, the central green square and the front part of the site have already been approved as part of phase 1 of the development (Full permission as part of the hybrid application). The

relevant landscaping details being assessed as part of this reserved matters application only relate to phases 2 & 3. The submitted Planting Plans and Hard Landscaping Plans are clear in terms of the extent of the boundaries in respect of phases 2 & 3.

5.4.4 The key landscaping features proposed include:

- Creation of green buffer along the southern boundary through new planting to reinforce the existing vegetation;
- Landscaped buffer along part of the northern boundary shared with the Broadmeadow Ride development to the north;
- A scheme of street tree planting, shrub planting and soft landscaping; and
- Use of trees and planting to break up parking forecourts.

5.4.5 In the context of the overall site, the above would supplement the features already approved as part of phase 1 which includes:

- Landscaped frontage along London Road;
- Creation of open space at the eastern end of the site to provide landscaped buffer with adjacent established woodland which lies to the east; and
- Creation of a central 'village square' to provide an amenity landscape space.

5.4.6 Open space will comprise the central square, the larger open space at the eastern end of the site which will incorporate a Local Area of Play (LAP) and the area adjacent to part of the northern boundary that links into the existing open space to the south of the Broadmeadow Ride development. As previously mentioned, the details relating to the open space at the eastern end of the site and the central open square have full planning permission as part of phase 1. The area of open space adjacent to part of the northern boundary, as referred to above, falls within phases 2 & 3.

5.4.7 In terms of the southern boundary of the site, planting is proposed to enhance the existing trees, hedging and vegetation adjacent to the boundary. The plans indicate this would take the form of native shrub planting and ornamental shrubs. It is also proposed to plant eight trees along this boundary. In relation to plots 43 and 44 which are also situated adjacent to the southern site boundary, boundary treatment in the form of 1.8m close boarded fencing has already been approved as part of the hybrid application. Concerns have been raised by the neighbour adjacent to the southern boundary of the site in relation to the proposed planting and boundary treatments. In this regard, it is considered that the proposed measures would reinforce and enhance the existing landscaping buffer along the southern boundary of the site which in turn would ensure integrity of the revised Green Belt boundary as per the Local Plan site specific policy HT2. It would also provide additional screening of the site from the Pound Farm buildings. This view is also shared by NHDC's Senior Ecologist who has not objected to the proposals. Furthermore, it is considered that the proposed planting and boundary treatments would not result in material harm to the residential amenity of any neighbours to the south of the site.

5.4.8 In terms of the space between the proposed perimeter road and the northern boundary and north-east corner of the site, planting is proposed in the form of native shrub planting and a wildflower mix. It is also proposed to plant thirteen trees along this boundary and three trees adjacent to the northern tip of the eastern open space. It is considered that these measures would be suitable and appropriate in the context of this part of the site.

- 5.4.9 The landscaping strategy is intrinsically linked with the Ecology and Biodiversity Net Gain (BNG) requirements. *Policy NE4: Biodiversity and geological sites* states that 12m of complimentary habitat should be provided around wildlife sites (locally designated sites and above), trees and hedgerows, but it is not an absolute requirement of policy. It is necessary to implement the 12m buffers pragmatically otherwise some of the smaller proposed housing allocation sites in the Local Plan could well be undeliverable. It is noted that the hybrid application was assessed prior to the adoption of the North Herts Local Plan. Therefore, the application would not have been assessed against policy NE4. Notwithstanding this, it is considered that the buffers proposed in respect of phases 2 & 3 would be sufficient in this instance in the context of the site and the immediate area.
- 5.4.10 The Proposed Site Layout Plan provides details of the location and type of any new walls, fences or other means of enclosure within and around the edges of the site, as well as the areas of proposed landscaping. This primarily consists of 1.8m high timber close boarded fencing and 1.8m high brick walls. The plan indicates that the timber fencing will primarily be used to provide boundaries in rear garden areas with brick walls forming boundaries in areas of the site primarily adjacent to streets where they would be highly visible from the street scene. It is considered that this would be an acceptable approach which in turn would promote a high quality street scene environment.
- 5.4.11 The Arboricultural Impact Assessment and Method Statement sets out the tree protection measures for the existing trees and confirms that the latest layout would not result in any additional tree removals other than the recommendation to remove dead/dying elms on the road frontage. Trees to be retained will be protected during works by tree protection measures and the application of arboricultural method statements, which would be carried out under arboricultural supervision. A condition is recommended requiring that the Arboricultural Impact Assessment and Method Statement is complied with. In this instance, tree protection and replacement conditions are not required as they were imposed on the hybrid permission. The plans indicate that the following trees would be removed: one Category C tree to the front of the site, a small section of Category U trees to the front of the site, one Category B tree inside the site adjacent to the northern boundary required for the construction of the new outer perimeter road in this part of the site, and one Category B tree in the north-east corner of the site required for the construction of new footpath. The proposed planting details indicate that approximately 60 new trees would be planted.
- 5.4.12 In summary, the proposed landscaping scheme details are acceptable. They would create a positive environment for future occupiers of the development. It would also soften the proposed development in the landscape and create strong new boundaries with the Green Belt.

5.5 Appearance

- 5.5.1 Appearance is defined in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as: *'the aspects of a building or place within the development which determines the visual impression the building or places makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture...'* Therefore, this reserved matter relates more to the appearance of dwellings and the use of materials.

- 5.5.2 The site sits on the southern edge of Hitchin. The character of the existing nearest residential development to the north, west and south of the site is quite mixed. The houses are relatively modern in the Broadmeadow Rise estate, whereas the dwellings on London Road and Mill Lane are a mix of old and new properties.
- 5.5.3 In terms of the appearance, the approach for phases 2 & 3 very much follows on from the approved approach for phase 1, which is for a traditional style of architecture. It is considered that this would allow the built form to positively respond to the character of the area and the location of the site on the edge of the built-up area of Hitchin.
- 5.5.4 The materials proposed would be a combination of brick, render and weatherboarding for the external walls of the buildings and a combination of tiles to finish the pitched roof surfaces. The materials would be representative of the mix in the surrounding area consisting of red/multi brick, terracotta brick, dark coloured weatherboard cladding and cream coloured render. The proposed roof tiles would be rustic red plain tiles and charcoal grey tiles. These materials will be varied across the site to create interest, whilst providing a sense of cohesion from this relatively simple palette of materials. Detailing is proposed in the form of brick plinths, false windows, bay windows, as well as the use of different headers for window and styles of canopies which are all considered appropriate.
- 5.5.5 It is considered that the chosen palette of materials would ensure there is variation between the different building types whilst providing the development with its own distinctive identity and ensuring the materials proposed for phases 2 & 3 remain compatible with those approved on phase 1.
- 5.5.6 The proposed mix of dwellings, consisting of terraced, semi-detached and detached is considered appropriate for the site and the requirements for the area. The roof design of the dwellings in the scheme reflects that of the surrounding area with simple roof forms with some modest dormer windows.
- 5.5.7 It is considered that the proposed affordable dwellings incorporate a good level of detailing and design features in an attempt to successfully make these dwellings tenure blind.
- 5.5.8 In summary, the proposed appearance of the dwellings and the proposed palette of materials would reflect the local context.

5.6 **Scale**

- 5.6.1 Scale is defined in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as: *'the height., width and length of each building proposed within the development in relation to its surroundings'*...
- 5.6.2 It is considered that the scale of the development, as well as individual buildings is acceptable. The majority of dwellings would be two storey buildings with a small number of 2.5 storey buildings primarily located around the central green square. In terms of proposed garage buildings, these would all be single storey in height. The proposal would comprise a mix of both private and affordable dwellings and would consist of a range of sizes and types. This would be consistent with the surrounding residential development. Within the site there is a varied layout of detached, semi-detached and terraced units. There is a good relationship between all buildings.

5.6.3 It is considered that the proposed dwellings closest to the site boundaries with neighbouring residential properties would be of an acceptable height and would not harm the living conditions of the occupiers of surrounding properties in terms of intrusion into aspect or loss of daylight or sunlight.

5.6.4 In summary, the scale of the proposed development would be appropriate in its context.

5.7 Other Matters

Affordable Housing

5.7.1 The affordable housing mix was agreed through the section 106 as part of the previous hybrid permission 21/00434/HYA. The agreed mix has followed through into this reserved matters application and is clearly set out in 4.2.5 of this report with a breakdown for each phase of the development.

Ecology

5.7.2 Site specific policy HT2 states, *“Consider and mitigate against any adverse impacts upon adjoining priority habitat (deciduous woodland) and key features of interest of adjacent local wildlife site (Folly Alder Swamp); and maintain appropriate buffer zone from Ippolitts Brook at south-east of site.”*

5.7.3 It is noted that the previous hybrid application was accompanied by an Ecological Appraisal and confirmed there was limited wildlife interest on the application site. A Biodiversity Net Gain Metric was also submitted identifying a net gain in biodiversity of about 1%. Policy NE4 of the Local Plan requires the delivery of measurable net gain for biodiversity net gain. The hybrid application was submitted and assessed prior to mandatory 10% biodiversity net gain; therefore, the proposal was policy compliant in this regard and Hertfordshire Ecology raised no objections accordingly. Whilst officers considered there was no policy requirement for 10% biodiversity net gain, and the proposal would comply with Local Plan Policy NE4, the applicants offered a financial contribution towards the enhancement of biodiversity off-site.

5.7.4 A condition was imposed on the hybrid permission requiring an ecological management plan to be submitted to and approved by the Local Planning Authority with details of how ecological units would be delivered. In respect of phase 1, these details were subsequently submitted and approved in June 2024. Given that phase 1 also covers the large open space on the eastern part of the application site and matters relating to the buffer zone to the adjacent woodland and the local wildlife site, it is considered that the relevant parts of the site-specific policy have been sufficiently address through the previous application submissions. A further submission will be required by the applicant in respect of the same condition on the hybrid permission for phases 2 and 3. NHDC’s Senior Ecologist has also not objected to the current proposal.

Impact on heritage assets

- 5.7.5 Under Policy HT2 of the North Herts Local Plan, which sets out the site-specific criteria, a requirement states:

“Sensitive design towards south-west of site and in areas viewed from Mill Lane to minimise harm to heritage assets”.

- 5.7.6 For the reasons set out above, it is considered that the proposed layout, scale, and landscaping constitute sensitive design. In terms of this reserved matters application regarding phases 2 & 3, it is considered that the proposal would result in no harm to heritage assets.

Energy and Sustainability

- 5.7.7 The application submission is accompanied by an Energy Strategy Statement prepared by Briary Energy (dated May 2025).

- 5.7.8 The statement confirms that the development will in the first instance ensure a Building Regulation compliant carbon reduction across all 48 dwellings (phases 2 & 3) through fabric measures, before assessing LZC technologies where appropriate. The statement also confirms that all 48 dwellings will be equipped with air source heat pump systems which have an efficient conversion rate from energy to heat and will assist with reducing carbon emissions.

Environmental considerations

- 5.7.9 The Waste Management Team have raised no objections. In addition, the details shown on the Recycling Store & Routes Plan of proposed bin store locations, bin collection locations and bin routes as well as the proposed refuse vehicle tracking route was deemed acceptable by HCC Highways. They confirmed that all waste collections points are within 25m of the refuse vehicle locations. In addition, the tracking diagram route shows a 12.1m long refuse collection vehicle (RCV) which is currently in use across the North Herts district area.

- 5.7.10 The Environmental Health Team have not raised any objections and the conditions relating to land contamination, noise assessment, and an EV charging points condition was imposed on the hybrid permission.

- 5.7.11 The LLFA initially didn't comment on the application and amended scheme. Following receipt of further information, the LLFA confirmed that the submitted information shows that Phases 2 & 3 can be appropriately drained through the drainage network provided within Phase 1 without flood risk to the site, and therefore they have no objection to this application.

- 5.7.12 Various matters have been raised through representations which are not directly relevant to the consideration of this application as they are beyond the scope of an application for reserved matters. Other matters have been addressed in the report above.

5.8 Conclusion

- 5.8.1 This application for Reserved Matters follows from the approval of outline application ref. 21/00434/HYA which includes detail on layout, scale, appearance, and landscaping.
- 5.8.2 Subject to appropriately worded conditions, it is considered that the proposed development would be of a suitable scale commensurate to the site located on the edge of the settlement; have an acceptable and functional layout for residents and visitors to the site; be of an appearance considerate to the site and its setting and would be acceptable in terms of proposed landscaping. These reserved matters link well with details already approved by way of the hybrid permission and applications for approval of details reserved by condition and would not prejudice legal covenants contained within the Section 106 agreement.
- 5.8.3 The proposed development is considered to accord with relevant policy provisions of the local development plan as listed above as well as the NPPF.
- 5.8.4 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 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.
- 5.8.5 The application site falls within the settlement boundary, as defined in the Local Plan. The application site benefits from an allocation under Policy HT2 for an estimated 84 dwellings and the Local Plan removed the whole site from the Green Belt for development and incorporated it within the settlement boundary of Hitchin. This policy also contains detailed policy criteria for consideration in the determination of any relevant applications for planning permission. It is considered that the proposals broadly comply with the site-specific policy criteria set out in Policy HT2. Where the proposals do not completely comply with the policy criteria set out in HT2, it is considered that on balance these are not sustainable reasons to withhold planning permission.
- 5.8.6 There are no material considerations to indicate that the application should not be determined in accordance with the development plan. For the reasons set out above it is the officer's view that the proposed development would accord with the development plan including the adopted Local Plan, and that there are no sustainable reasons to withhold the approval of reserved matters. As such, details should be approved subject to conditions.

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 be **GRANTED** subject to the following conditions:

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

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

2. Notwithstanding the information submitted with the Reserved Matters application, prior to construction above damp-proof course of phases 2 and 3 of the development hereby approved, a schedule of materials to be used on all external elevations and the roof of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority 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 in accordance with Policy D1 of the North Hertfordshire Local Plan (2011-2031).

Landscaping Details

3. The approved details of soft landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings within phases 2 and 3 or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality and with Policies D1 and NE2 of the North Hertfordshire Local Plan (2011-2031).

Landscape Management Plan

4. Development shall be carried out in accordance with the Landscape Management Plan and Specification for Landscape & Horticultural Works prepared by Aspect Landscape Planning (dated December 2024) unless otherwise agreed 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 and in accordance with Policy D1 of the North Hertfordshire Local Plan (2011-2031).

Trees

5. Development shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement Report prepared by Sharon Hosegood Associates (dated December 2024) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard and enhance the trees on the site and in accordance with Policy NE2 of the North Hertfordshire Local Plan (2011-2031).

Bin and Cycle Storage

6. The development shall be carried out in accordance with the Proposed Site Layout Plan (Drawing No. 24113 P101 G) and the Cycle/Bin Storage Plans (Drawing No. 24113 P130 A). The approved details shall be installed prior to the occupation of each dwelling and permanently retained for bin and cycle storage.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and in accordance with Policy D1 of the North Hertfordshire Local Plan (2011-2031) and to ensure the provision of cycle parking/storage spaces in line with the Council's adopted standards and to encourage the use of sustainable modes of transport.

Energy and Sustainability

7. Phases 2 & 3 of the development hereby approved shall be constructed in accordance with the submitted Energy Strategy Statement prepared by Briary Energy (dated May 2025), and details of the proposed air source heat pumps submitted to and approved in writing by the Local Planning prior to their installation, and the identified sustainability measures shall be maintained and retained thereafter.

Reason: In order to provide a sustainable form of development, to reduce the carbon footprint of the development and in order to minimise the impact on Climate Change.

Highways

Internal Roads, Parking and Servicing Area

8. Prior to the first occupation of any dwelling within the development site (Phases 2 & 3), all proposed onsite car and cycle parking, servicing roads, turning /waiting area as shown on the drawing (Ref- ITL200569-GA-002, Rev-C) shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the approved plan 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).

Visibility

9. Prior to the first occupation of the development (Phases 2 & 3) the subject of approval of reserved matters, all visibility splays shall be provided in full accordance with the details indicated on the approved plan (Ref-ITL200569-GA-003, Rev -D). The splay shall always thereafter be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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) and Roads in Hertfordshire, Section 4, 2.3.

Informatives:

Highways

AN1) 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.

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) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their

permission and requirements before construction commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

AN4) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

10.0 Appendices

- 10.1 Appendix 1 – Decision Notice for planning application ref: 21/00434/HYA
- 10.2 Appendix 2 – Decision Notice for planning application ref: 25/00453/NMA

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

DECISION NOTICE

Correspondence Address:

Carter Jonas LLP
Carter Jonas LLP
One Station Square
Cambridge
CB1 2GA
FAO: Mr Simon Hoskins

Applicant:

C/o Agent

PARTICULARS OF DEVELOPMENT

Application: 21/00434/HYA

Proposal: Hybrid application for a residential development to provide a total of up to 84 dwellings together with associated access from London Road, including provision of a roundabout, associated parking, landscaping, open space and ancillary works comprising: Phase 1 - Application for full planning permission for the erection of 36 dwellings; Subsequent Phases - Application for outline planning permission all matters reserved except for access on the remaining part of the site for the erection of up to 48 dwellings.

Location: Land North Of Pound Farm, London Road, St Ippolyts, Hertfordshire, SG4 7NE

Plan Nos: 19049/C101 T 19049/S102 F 19049/P103 F 19049/P104 F
19049/P110 G 19049/P111 J 19049/P112 J 19049/P114 B
19049/P115 K 19049/P116 J 19049/P117 F 19049/P118 F
19049/P122 B 19049/P123 A 19049/P124 A 19049/P125 A
19049/P126 19049/P127 A 19049/P128 A 19049/P129 A
19049/C105 G 19049/C108 C 19049/SK33 Q 19049/C106 G
19049/C109 19049/S101 G 19049/P101 AH 139-002-001-
PL E 139-002-002-PL D ITL9262-GA-024 L 19049/C102

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **GRANT PERMISSION** for the development proposed by you in your application received with sufficient particulars on 9 February 2021, subject to the following condition(s):

1. Detailed permission only

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. Detailed permission only

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. Detailed permission only

The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

4. Detailed permission only

Prior to construction above damp-proof course of the development hereby approved, a schedule of materials to be used on all external elevations and the roofs of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority 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.

5. Detailed permission only

No development shall take place before a scheme, based on the findings in "Acoustic Design Statement, Land North of Pound Farm", Report reference

JAJ11562-REPT-01-R2, dated 5/2/21 by RPS, to protect future occupiers of the dwellings from road traffic noise has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out as approved prior to the occupation of any residential dwelling and the scheme of measures shall be maintained in accordance with the approved details.

Reason: To protect the residential amenities of future residents.

6. During the construction phases of the development hereby approved no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs. There shall be no work at any time on Sundays and Bank holidays.

Reason: In order to protect the residential amenities of existing neighbouring and future occupiers of the development.

7. **OUTLINE ONLY**
Before the development hereby permitted is commenced for phases 2 and 3, approval of the details of the layout, scale and external appearance of the development and the landscaping of the site in relation to those phases (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.

8. **OUTLINE ONLY**
Application for approval of the reserved matters for phases 2 and 3 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.

9. Before the detailed scheme hereby approved for phase 1 is first occupied, an application for reserved matters for all subsequent phases, shall be submitted for determination by the local planning authority within the time frame set out in condition 8 (standard outline time limit).

Reason: To support the Governments objective of significantly boosting housing supply by encouraging delivery of emerging local plan allocation HT2, both in a timely fashion and in a manner which will benefit the environmental and social setting of phase 1 hereby approved.

10. Prior to the first occupation of each phase of the development hereby approved details of siting, number and design of secured/covered cycle parking spaces shall have been submitted to and approved in writing by the Local Planning Authority.

The approved details shall thereafter be installed prior to the occupation of each dwelling and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards and to encourage use of sustainable modes of transport.

11. Prior to occupation, each new dwelling, or accompanying garage, shall incorporate an Electric Vehicle (EV) ready domestic charging point. Visitor or unallocated parking spaces shall be allocated an EV charging point, on the basis of 1 charge point per 10 allocated spaces.

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

12. No development approved by this permission shall be commenced until a Remediation Method Statement report in respect of gas protection measures detailed in "Geo Environmental Ground Investigation Report" Report reference C2799/P11 Rev B dated 4/2/21 by HSP Consulting Engineers Ltd has been submitted to and approved by the Local Planning Authority.

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

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

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

(b) Any contamination 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

13. 13. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Surface Water Drainage Strategy prepared by SDP Consulting Engineers Job No E08.010 dated November 2021, sixth issue, and the following mitigation measures:

1. Implementing a drainage strategy based on infiltration and provide appropriate SuDS measures to include permeable surfacing, underground tank, swales and infiltration pond.

2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants.

14. No development shall take place for each phase of development until the final design of the drainage scheme for that phase is completed and sent to the Local Planning Authority for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment and Surface Water Drainage Strategy prepared by SDP Consulting Engineers Job No E08.010 dated November 2021, sixth issue. The scheme shall include:
1. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year +40% allowance for climate change event.
 2. Detailed engineered drawings of all aspects of the proposed drainage scheme including the new roundabout.
 3. Demonstrate appropriate SuDS management and treatment (including the access road and roundabout) and inclusion of above ground features such as permeable paving, reducing the requirement for any underground storage.
 4. Silt traps for protection for any residual tanked elements.
 5. Detailed infiltration testing in accordance with BRE Digest 365 at the proposed location and depth of infiltration features, including permeable paving. Where infiltration is not feasible for the permeable paving it should connect back into the wider site system. All calculations should be based upon updated infiltration tests.

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

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

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

16. Prior to the construction above damp-proof course in any particular phase of development, a scheme for on-site foul water drainage works relating to that phase, including connection point and discharge rate for that phase, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

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

17. Prior to occupation of any dwellings within the development hereby permitted the proposed roundabout access works shall be provided as identified on the 'in principle' roundabout access arrangement drawing number ITL9262-GA-024 revision L, and shall include proposed additional bus stops that are to be placed along the development's frontage along London Road as part of the application. These will need to be connected to the development's footways and provided with easy access kerbs, real time screens and shelter as appropriate. The exact location of the bus stops and accommodating works such as additional footways, crossing points and markings will need to be agreed in conjunction with appropriate parties. These facilities shall meet appropriate accessibility standards and be constructed in accordance with Roads in Hertfordshire Highway Design Guide or any guidance that supersedes this.
- These works shall be secured and undertaken as part of the S278 works with the ultimate design being technically approved prior to commencement on site to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.
- Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the public highway.

Reason: To ensure satisfactory development and in order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire 'A Guide for new Developments (section 2 part 1 chapter 9 para 9.4) and to further encourage sustainable modes of transport, in accordance with Policies 5 and 22 of the Hertfordshire's Local Transport Plan.

18. Prior to the side roads (offsets from the principal access road) being first brought into use, vehicle visibility splays to both directions shall be provided and permanently maintained as defined in visibility splay drawing (Drawing Number ITL9262-GA-019 revision H), there shall be no obstruction to visibility between 600mm and 2.0 metres above the carriageway level.

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 4.

19. Prior to use the gradient of the principal access road shall be constructed no steeper than 1 in 20.

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

20. Prior to occupation of any dwellings within the development for which full planning permission has been granted, the following transport infrastructure shall be constructed in accordance with a detailed scheme to be agreed in writing by the Local Planning Authority in consultation with the Highway Authority.
- The provision of a 3.0 metre wide footway/cycleway as identified on site access plan -ITL9262-GA-024 revision L that includes a link to the development along the frontage of the site complete with raised platform across the eastern arm of the roundabout that links the nearest bus stop with the development, all details shall be submitted and approved in writing by the Highway Authority.

These works shall be secured and undertaken as part of the s278 works.

Reason: In order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire: Highway Design Guide 3rd Edition, and to further encourage sustainable modes of transport.

21. No development shall commence until a Construction Traffic/Environmental 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/Environmental Management Plan shall include:

- a. Construction vehicle numbers, type and routing;
- b. Access arrangements to the site;
- c. Measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- d. Screening and hoarding details to protect neighbouring residents;
- e. Traffic management requirements, including the location of traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- f. Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
- g. Siting and details of wheel washing facilities;
- h. Cleaning of site entrances, site tracks and adjacent public highway, including 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;
- i. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- j. Provision of sufficient on-site parking prior to commencement of construction activities;
- k. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- l. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan and to ensure the correct phasing of development in the interests of minimising disruption to nearby residents during construction, minimising any environmental impacts, in the interests of amenity.

22. 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.

23. Any tree lopped, topped, felled, 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 LPA 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.

24. Prior to the commencement of any landscaping works within any particular phase, an ecological management plan which details the how ecological units will be delivered within that phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:

- a) aims and objectives of management;
- b) existing and proposed features to be managed, including specific reference to improvements to retained hedgerows;
- c) species composition of habitats to be enhanced and created;
- d) a programme for implementation;
- e) the body or organisation responsible for implementation of the Plan; and
- f) monitoring and remedial measures of the Plan.

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

Reason: To ensure that the agreed landscaping and biodiversity gains are delivered and maintained in the interests of local biodiversity, ecology and the visual amenity of the site.

25. Before commencement of any works on the site, trees to be retained shall be protected in accordance with all of the measures set out in the submitted 'Arboricultural Impact Assessment & Method Statement' by Anna French Associates, Document Number 139-DOC-002, dated 3 June 2019, revision B. In addition, no building materials shall be stacked or mixed within 10 metres of a tree to be retained. No fires shall be lit where flames could extend within 5 metres of the foliage, and no notices shall be attached to trees.

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

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended the garages approved as part of this permission shall be retained for the parking of vehicles and will not be converted to any other use without first obtaining a specific grant of planning permission from the Local Planning Authority.

Reason: To ensure the retention of adequate parking provision within the site in the interests of highway safety and to retain control over development that would normally be permitted development in the interests of the character and amenities of the area.

27. A No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works of the site investigation

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

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

Reason: 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 permission.

28. 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.

29. The development hereby approved shall be constructed in accordance with the submitted Energy Statement by Abbey Consultants February 2021 ref: PA-ES-OH-PF-20-04, unless agreed otherwise in writing by the Local Planning Authority, and the identified measures shall be maintained and retained thereafter.

Reason: In order to provide a sustainable form of development, to reduce the carbon footprint of the development and in order to minimise the impact on Climate Change.

30. Prior to commencement of each phase of the development hereby permitted, detail of the installation of fire hydrants for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure there are adequate water supplies for use in the event of an emergency for the proposed development.

Proactive Statement:

1. 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.

Informative/s:

1. To avoid killing or injuring hedgehogs it is best practice for any longer, ruderal vegetation to be cleared by hand. To avoid creating refugia that may be utilised by hedgehogs, materials should be carefully stored in site on raised pallets and away from the boundary habitats. Piles of materials that could act as refuse for wildlife should be removed as soon as possible. If left over a period of time, they should be checked for the presence of wildlife prior to moving. Any trenches on site should be covered at night or have mammal ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering/becoming trapped.
2. All works, including vehicle movements, materials and waste should be kept strictly within the application site and under no circumstances should there be any detrimental physical impact to the adjacent Folly Alder Swamp Local Wildlife Site.
3. Anglian Water has assets close to or crossing the site or there are assets subject to an adoption agreement. Therefore, the site layout should take into account and accommodate those assets within either retrospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or in the case of apparatus under an adoption agreement, liaise with owners of the apparatus. It should be noted that the diversion works should normally be completed before the development can commence.
4. During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.
5. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements

Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development->

management/highways-development-management.aspx or by telephoning 0300 1234047

6. TRAVEL PLAN INFORMATIVE A Travel Plan (TP) for the development consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote green travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development', which is subject to an overall sum of £6,000 payable before occupation of the development. This 'evaluation and support contribution' is to cover the County Council's costs of administrating and monitoring the objectives of the TP and engaging in any TP Review. Indexation of this figure will be based on the Retail Price Index from the date planning is granted to the date the contribution is paid. The applicant's attention is drawn to Hertfordshire County Council's guidance on residential/commercial Travel Plans: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#travelplans> Our Travel Plan team can provide further advice at travelplan@hertfordshire.gov.uk.

Signed:



Shaun Greaves
Development and Conservation Manager

Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Date: 19 March 2024

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

NOTES

- 1 **Failure to satisfy conditions may invalidate this permission and/or result in enforcement action. Particular attention should be paid to the requirements of any condition in bold.**
- 2 Applicants will need to pay a compliance fee where they request confirmation in writing of any planning consent, agreement or approval (commonly known as discharge of conditions) required by one or more conditions or limitations attached to a grant of planning permission.
- 3 The fee is £145 per request or £43 where the permission relates to an extension or alteration to a dwellinghouse or other development in the curtilage of the

dwellinghouse.

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

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

- 4 If the development hereby permitted is one that will require a new postal address/es then please contact the Council's **street naming and numbering service** on 01462 474431 or email SNN@north-herts.gov.uk who will advise you on how to apply for the new address/es.

Any proposed sales and/or marketing name to be adopted by the developer should be forwarded to the **street naming and numbering service**, prior to any publication of the site details and sales information.

- 5 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

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

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

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

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

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

6 Purchase Notices

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

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

- 7 The District Council and County Highway Authority wish to ensure that, in the implementation of the development, hereby approved, the highway verge adjacent to the property is not damaged or does not become unsightly due to the stationing of skips, parking of vehicles, storing of building materials etc thereon. Your attention is, therefore, drawn to the provisions of Section 131 of the Highways Act 1980 and to the Hertfordshire County Council Bylaws 1955 (specifically relating to grass margins and verges in Letchworth Garden City) by virtue of which such actions, unless authorised by the prior grant of a licence, constitute a prosecutable offence. Persons responsible for undertaking the development and any associated works are, therefore, strongly encouraged to take appropriate steps to ensure that no breach of the said legislation occurs during the course of such activities. In the event of any damage being caused it will be expected that suitable reinstatement is undertaken upon completion of the development. Failure to do so could also result in legal action being pursued. To obtain information regarding the issue of licences, contact Hertfordshire Highways, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG138DQ or telephone 0300 1234 047.

8 Cadent Gas Informative:

Cadent Gas own and operate the gas infrastructure within the area of your development. Contact our Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com Alternatively you can register on www.beforeyoudig.cadentgas.com This service is free of charge.

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

Mike Osbourn
Carter Jonas LLP
One Station Square
Cambridge
CB1 2GA

Our Ref : 25/00453/NMA

Contact : Paul Chaston
Direct Line : 01462 474433
Email : paul.chaston@north-herts.gov.uk
Date : 10th March 2025

Dear Sir / Madam,

Non-Material Amendment: Amendments to Phase 2 and 3 boundary, as described in the covering letter (as non-material amendment to hybrid planning application reference 21/00434/HYA granted on 19.03.2024)

Land North Of Pound Farm, London Road, St Ippolyts, Hertfordshire, SG4 7NE

I refer to your application to make a non-material amendment for the above development.

I can confirm on behalf of North Hertfordshire District Council that the amendments are considered to be minor and can be treated as a non-material amendment to planning permission reference number 21/00434/HYA granted on 19 March 2024.

For the avoidance of doubt, the drawing numbers approved as a non-material amendment is as follows:

- 19049 S101G
- 19049 P301D
- 19049 C301D
- 19049 C302E
- 19049 SK33S
- 19049 P103G
- 19049 P104G
- 19049 C105H
- 19049 C106H
- 139-002-001-PL Rev G
- 139-002-002-PL Rev F

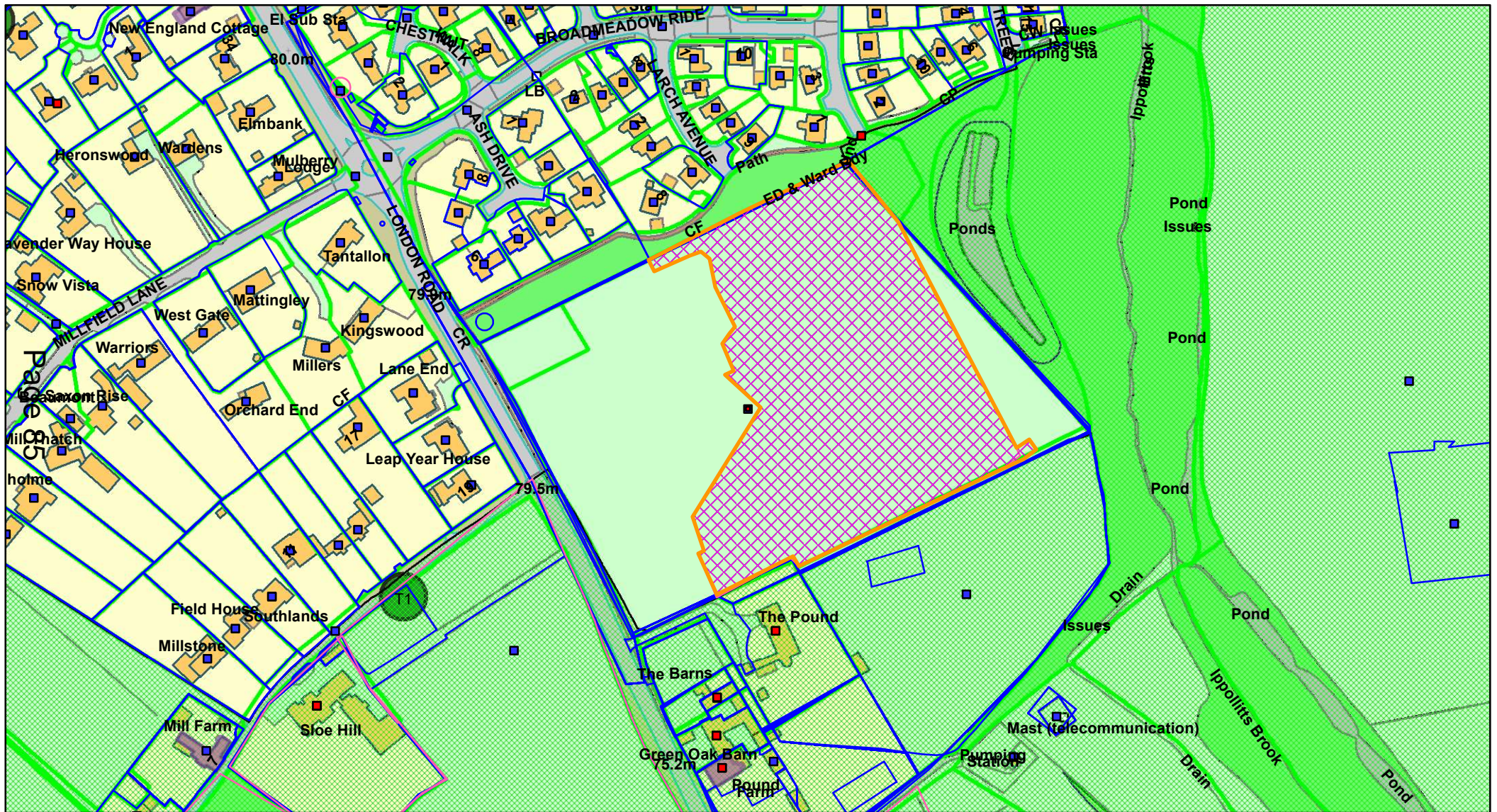
Yours faithfully



Shaun Greaves
Development and Conservation Manager

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<u>Location:</u>	Starwood House Avenue One Letchworth Garden City Hertfordshire SG6 2HB
<u>Applicant:</u>	Letchworth Investment LLP
<u>Proposal:</u>	Erection of two buildings including three units for Flexible Use Classes including E.g. (ii) (iii), B2, B8, including servicing, parking, access, landscaping .
<u>Ref. No:</u>	25/01196/FP
<u>Officer:</u>	Alex Howard

Date of expiry of statutory period: 1st August 2025

Extension of statutory period: 30th September

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

Reason for Referral to Committee: This application has to be determined at Planning Control Committee as per the constitution given that it is:

(b) any development with greater than 500sq. metres floorspace on a site of more than 1 hectare or other operational development with a site area of 1 hectare or greater;

1.0 **Site History**

1.1 Extensive planning history relating to the previous occupier of the site dating from 1997 to 2017, not relevant to this proposal.

1.2 **25/00943/DD** - Demolition of existing building.

Prior Approval Given

2.0 **Policies**

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

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP3: Employment

Policy SP6: Sustainable Transport

Policy SP9: Design and Sustainability

Policy SP11: Natural Resources and Sustainability

Policy ETC1: Appropriate uses in Employment Areas

Policy T1: Assessment of Transport Matters

Policy T2: Parking

Policy D1: Sustainable Design

Policy D4: Air quality

Policy NE2: Landscape

Policy NE4: Biodiversity and geological sites

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems
Policy NE11: Contaminated land
Policy HE1: Designated Heritage Assets

2.2 **National Planning Policy Framework (NPPF) (December 2024)**

Section 2: Achieving sustainable development
Section 6: Building a strong, competitive economy
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places and beautiful places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 16: Conserving and enhancing the historic environment

2.3 **Vehicle Parking at New Development SPD Developer Contributions SPD**

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – One response received from 63 Highfield, Letchworth, raising the following matters (summary):

- ☐ The proposal looks positive in terms of sustainability and zero carbon features.
- ☐ Concerns with street parking on Avenue One and the need for this proposal to provide adequate parking to alleviate this existing issue.
- ☐ Concerns whether there is enough mains power to provide 20 EV charging points.

3.2 **Hertfordshire Highways** – Provided a holding response on 23rd June 2025, raising matters relating to the adopted LCWIP (Local Cycling and Walking Infrastructure Plan, September 2023), alterations to the junction on Avenue One to make pedestrian crossings more regular, amendments to the internal spine road, requirements for a Travel Plan, and requests for Strand 1 and 2 financial contributions.

Following a meeting with the Highway Authority, further comments were received stating that the proposed alterations to the junction must take place to accommodate the LCWIP, as well as a number of other conditions. The access junction as required by the Highway Authority would require a Traffic Regulation Order (TRO) on the highway on the opposite side of the junction to allow HGVs to enter/exit the site, and Officers have considered that this can form part of the relevant legal agreement (further details on this set out in the report).

3.3 **Hertfordshire Growth and Infrastructure** – Provided formal comments on the 12th June 2025, seeking financial contributions for the Fire and Rescue Service.

Following further correspondence with the Growth and Infrastructure Team, further comments were received with robust justification for the requested contributions. As a result, the requested contributions sought were reduced to account for the existing buildings on the site.

3.4 **Hertfordshire Local Lead Flood Authority** – Objects to the scheme on a number of technical matters.

3.5 **Hertfordshire Water Officer** – Further to initial comments received on the 23rd June 2025 and the submission of further information in response, no objections are raised.

- 3.6 **Hertfordshire Archaeology** – Provided an initial response on the 9th June 2025, setting out requested conditions for further archaeological work. Following the submission of further information and correspondence, further comments were received stating amended wording to the standard Archaeological condition to allow a watching brief in place of a full evaluation.
- 3.7 **Environment Agency** – Provided an initial response on the 4th June 2025, setting out requested conditions for ground based assessments and construction details. Following the submission of further data/information, subsequent comments were received on
- 3.8 **Heritage Foundation** – None received.
- 3.9 **North Herts Environmental Health (Air Quality, Land Contamination, Noise)** – No objections subject to conditions covering further Contaminated Land assessments and compliance with proposed measures to improve air quality during construction.
- 3.10 **North Herts Waste and Recycling** – No comments.
- 3.11 **North Hertfordshire Ecology** – No objection to the proposal on ecological matters subject to conditions covering a Construction Environment Management Plan, Ecological Enhancements, and the statutory BNG condition.
- 3.12 **North Herts Planning Policy** – None received.
- 3.13 **North Herts Sustainability** – Provided comments on 11th June 2025 and 13th June 2025, largely supportive of the proposal.
- 3.14 **North Herts Urban Design** – None received.
- 3.15 **UK Power Network** – None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is Starwood House, which comprises two adjoining industrial units of 1-2 storeys in height and ancillary office space on the western side and a large area of hardstanding/car parking on the east of the site. The site is served via an existing vehicular and pedestrian access onto Avenue One in the north-western corner and is bounded by mature trees on all sides. The site is an employment use and much of the surrounding context is also under employment uses. The Site is bordered by Avenue One to the west, Second Avenue to the south and Third Avenue is located to the east of the Site with a Sainsburys store located beyond. The Site benefits from good road connectivity, being located north of the B656, which links to the A1(M) and A505. Additionally, the site benefits from good rail connectivity, with Letchworth Garden City Rail Station approximately 1.6 km to the west, offering regular services to London. Buses also run frequently from Third, Fourth, and Sixth Avenues surrounding the Site.
- 4.1.2 The existing buildings on site were previously used by Tesco as a Data Centre and R&D facility and were built bespoke to that use in the late 1980's.
- 4.1.3 The site is within the Letchworth Employment Area. The site also falls within Flood Zone 1, with some areas of the site being susceptible to low and medium risk surface water flooding. The site is not within a Conservation Area, nor are there any listed buildings within close proximity.

4.2 Proposal

- 4.2.1 Full planning permission is sought for the erection of two buildings including three units for Flexible Use Classes including E g(ii) (Research and development of products or processes)/(iii) (Industrial processes), B2 (General industrial), B8 (Storage or distribution), including servicing, parking, access, landscaping. The use of the site is proposed to be 24 hours a day/7 days a week.
- 4.2.2 The scheme would comprise two buildings, with building one located along the western boundary of the site adjacent to Avenue One. It is proposed to provide two commercial units, unit one and unit two, in a terrace form running north to south with car and HGV parking and servicing located to the east in the centre of the site. These two units would appear as one building and would measure approx. 104.85m long and 54.0m wide, with a curved roof measuring approx. 13.5m to eaves and 16.0m to ridge. Building two contains unit three, the larger of the industrial units located to the northeast of the site with car parking located to the north and south and HGV parking and servicing located to the south of the building. This building would measure approx. 69.0m long and 71.5m wide, with a curved roof measuring approx. 13.5m to eaves and 15.0m to ridge. Both buildings would be utilitarian in appearance, finished in black/grey composite panelling and steel roofing, with roller shutter doors and entrance doors/windows in certain parts of the buildings.
- 4.2.3 The existing access into the site off Avenue One would be altered and enhanced, whilst also including a new cycle path, leading into an internal spine road to access the proposed units. A new pedestrian access and amenity area is proposed in the northeast corner of the site, near to Sainsburys. 106 vehicle parking spaces are proposed, including disabled spaces and 20% with EV charging points, 72 cycle spaces, as well as dedicated HGV docking areas for each unit. All mature trees around the edge of the site are retained, and areas of enhanced quality landscaping are provided. There will be the loss of a number of U Class and C Class trees, as well as the loss of several mature Category B trees in a sunken area to the immediate south of the existing building. The scheme is designed to achieve BREEAM Excellent certification and an Energy Rating of EPC A+ with aspirations to achieve BREEAM Outstanding.
- 4.2.4 The proposal would be facilitated by the demolition of the existing industrial buildings on site (subject of planning application ref: 25/00943/DD).
- 4.2.5 The application is supported by the following documents:
- ☐ Planning Statement
 - ☐ Design & Access Statement/Design Document
 - ☐ BNG Metric/Assessment
 - ☐ Ecological Appraisal
 - ☐ Transport Assessment
 - ☐ Site Wide Travel Plan
 - ☐ Desk Based Geoenvironmental and Geotechnical Site Assessment
 - ☐ Flood Risk Assessment and Drainage Strategy
 - ☐ Arboricultural Assessment
 - ☐ Landscape/Tree Schedule
 - ☐ Energy Strategy
 - ☐ External Lighting Assessment
 - ☐ Noise Assessment
 - ☐ Statement of Community Involvement
 - ☐ Materials Efficiency Plan
 - ☐ Disassembly and Adaptability Study

- ☐ Design for Durability and Resilience
- ☐ Economic Benefits Statement
- ☐ Adaptation to Climate Change

4.2.6 Additional plans and further information have been submitted during the course of this application in an effort to respond to consultee comments, specifically the Environment Agency, County Highway Authority, County Archaeology and County Fire and Rescue/Water Officer

4.3 **Key Issues**

4.3.1 The key issues for consideration are the

- ☐ Principle of Development
- ☐ Planning History
- ☐ Visual Impact on the Character of the Area
- ☐ Design and Layout
- ☐ Landscaping
- ☐ Highways, Access, and Parking
- ☐ Ecology
- ☐ Impact on Heritage Assets
- ☐ Archaeology
- ☐ Surface Water Drainage/Flooding
- ☐ Fire and Rescue
- ☐ Environmental Health (Noise/Air Quality/Land Contamination)
- ☐ Environment Agency
- ☐ Waste and Recycling
- ☐ Statement of Community Involvement
- ☐ Climate Change/Sustainability
- ☐ Developer Contributions
- ☐ Other Matters
- ☐ Planning Balance

Principle of Development

4.3.2 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The National Planning Policy Framework (NPPF) 2024 is a material consideration and is considered to be consistent with the Local Plan, also attracting significant weight.

4.3.3 Policy SP1 of the Local Plan supports development in the district by granting planning permission where development is high quality, respects and improves surroundings and provides opportunities for healthy lifestyle choices; provides necessary infrastructure and secures any necessary mitigation measures that reduce the impact of development, including on climate change. Policy SP3 of the Local Plan supports sustainable new economic growth through new business development on designated employment land, supporting development for employment uses including light industrial and B class uses.

4.3.4 Policy ETC1 of the Local Plan sets out that the council will support development in protected employment spaces for office, research and development, industrial processes, industrial and storage and distribution uses provided Use Class B8 development is easily accessible from the primary road network.

- 4.3.5 Section 6 of the NPPF sets out that there is a need to build a strong and competitive economy. Paragraph 85 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 4.3.6 The site is within the Letchworth Industrial Estate, which is an allocated Employment Area in the Local Plan. The site and the current buildings/layout were bespoke built in the 1980s for the previous occupier, such that the building is not capable of re-use as is for modern industrial purposes and potential future occupiers. Because of this, if the site was to remain as is it would continue to make no contribution to the local economy. The site is also vacant so the proposal would constitute the re-use of previously developed land for a similar use, which is inherently sustainable. It is considered that the redevelopment of this site which would provide a modern commercial, employment generating use of industrial nature, and bring a currently un-used, vacant site back into use, is acceptable in principle. In respect of the proposed use of this site 24/7, Officers are aware of neighbouring commercial units within this Employment Area that also operate this way. Subject to the technical matters regarding noise and given the nature of the use/type of future occupiers, there is no objection in principle to the site operating 24/7.
- 4.3.7 The application is seeking permission for Flexible Use Classes including E g(ii) (Research and development of products or processes)/(iii) (Industrial processes), B2 (General industrial), and B8 (Storage or distribution), which are common uses in this industrial area. There is a possibility under the General Permitted Development Order 2015 to change between uses within the same class as this does not constitute development and therefore does not require planning permission. As such, some of the other sub classes under Class E may not be appropriate in this location, including (a) a shop for display or retail sale of goods and (f) creche/day nursery for example. It is therefore considered reasonable in this case to have a condition that the development only be used for the associated sub classes under Class E (g (ii) and (iii)), which would restrict the permitted change of uses under the GPDO 2015. Use Classes B2 and B8 are only permitted from B2 to B8, but the floor space of this building is in excess of 500sqm. In any case, B2 and B8 uses are commonplace and appropriate in this Employment Area, so there is no need to condition this as well.
- 4.3.8 This would accord with Policy SP1, SP3 and ETC1 of the Local Plan, as well as Section 6 of the NPPF.

Planning History

- 4.3.9 The site has been the subject of previous planning applications dating back to 1997 until 2017, in relation to the previous occupier of the site which was Tesco. These historic applications on site are of no direct relevance to this application.
- 4.3.10 An application was submitted under application ref: 25/00943/DD, seeking the Prior Approval of the Local Planning Authority for the demolition of the existing building on site. Prior Approval was deemed to not be required on the 19th May 2025. This application was submitted to provide the applicants with comfort that they could go ahead with the demolition of the existing building whilst this current application is being considered. Consequently, the demolition of the existing buildings does not form part of the current application.

Visual Impact on the Character of the Area

- 4.3.11 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.12 The site is comprised of a single industrial building with ancillary office space on the western side. The building varies in heights but the office buildings measures approx. 6.4m to ridge with a hipped roof, and the industrial building is flat roofed measuring approx. 7.2m to ridge. The site also includes a large area of hard standing, formally used as a car park on the eastern side. This building is currently in a poor state of repair and there is defensive perimeter fencing surrounding the site, making it an uninviting presence on the street scene. The site is situated on an intersection between Avenue One, Avenue Two and Avenue Three in Letchworth. The entrance to the site is located in the north-west corner, off Avenue One. The Avenues are heavily tree-lined, and the site topography generally rises up to the south.
- 4.3.13 A Design and Access Statement has been submitted with this application, which assesses the impact and contribution of the existing building on the wider character of the area. The DAS goes on to robustly assess and justify the proposed development in this context, whilst being mindful of modern industry standards for this type of employment use. The proposed development would result in an intensification of built form, increasing the site coverage to between 40%-50% with the remaining space utilised for the access road, service yard, parking and additional landscaping. In respect of Building 1 on the western side of the site, this would bring built form closer to the western boundary with Avenue One, it would occupy almost the full length of the western side of the site at approx. 104.85m and would increase the height of the building to 16.0m. For Building 2, this would see the erection of a building where there is currently none, introducing a 15.0m tall building that would be mostly visible from Second Avenue and Third Avenue, with limited views from the access on Avenue One. Both buildings would be utilitarian in appearance, finished in black/grey composite panelling and steel roofing, with the lighter grey cladding on the upper parts of the elevations and the darker black cladding on the lower parts.
- 4.3.14 Officers acknowledge that the proposal will result in a material change to the visual character and appearance of the area, given the increased site coverage, considerable increases in height, and the siting of buildings closer to the west and east boundaries, compared to the existing building and site conditions. The buildings will generally be more prominent, given that the existing buildings on site are largely screened by the dense tree lines.
- 4.3.15 The applicants have provided a supplementary Design Document during the course of this application in support of the DAS, which includes 3D visualisations of the proposal from the primary viewpoints on Avenue One and Third Avenue, section drawings accounting for topographical changes, building line/massing plans showing the proposal in the context of the existing neighbouring commercial buildings in terms of height/site coverage, and some examples of similar scale developments in the south-east of England.
- 4.3.16 These plans, visualisations and examples show that whilst the development will be generally larger on all counts, it will be appropriate in this context. It is argued that the buildings are required to be of a specific height to achieve an internal clearance of 12.0m, to align with modern standards and requirements of future occupiers, and this is supported by the other examples of similar developments set out in the Design Document.

- 4.3.17 The topography of the site is such that the southwest corner of Building 1 will be set lower than the nearest neighbouring building to the south, and the northwest corner will be set away from the boundary with the nearest neighbouring building to the north by the access road and considerable existing landscaping, ensuring an appropriate visual impact from Avenue One. The same can be said for the views from Second Avenue, where the heights of both Building 1 and 2 will be largely similar to the height of the adjacent industrial buildings, and be set away from the Sainsburys building by a suitable distance.
- 4.3.18 The dense tree lines that exist on all three Avenues will be retained and enhanced where appropriate, screening the lower black clad parts of the buildings and the associated activities within the site, whilst the lighter grey cladding to the upper sections will be visible above the canopies, but this is considered acceptable and largely a characteristic of other existing industrial buildings in the immediate vicinity.
- 4.3.19 Whilst the buildings will be more prominent and visible than the existing buildings, this is an employment area with a utilitarian character which the proposed buildings will reflect. Furthermore, it is considered that whilst the buildings will increase in height compared to the existing built form on the ground, there will be no wider harm or significant views from areas outside of the designed Employment Area, given the topography of the area, existing development screening, and the extensive scale of this Employment Area where the scheme will be read as appropriate in that context.
- 4.3.20 Whilst it is acknowledged that the development will result in a marked change to the visual character of the area, it is considered that the proposal is well designed in form and layout given the utilitarian context and will result in an acceptable visual impact on the character of the area. The scheme would respond positively to the site's local context. Therefore, there is no conflict with Policies D1 and SP9 of the Local Plan.

Design and Layout

- 4.3.21 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.22 The scheme has been designed with a layout and general design to reflect modern standards and requirements of future occupiers for these types of uses, ensuring a 12.0m internal clearance for the commercial purposes and to ensure the site can be used for this purpose for a long period, rather than the existing bespoke building which was suitable at the time of its construction but is no longer. The internal access road leading to the service yards and parking area is typical of this type of commercial development. The siting of buildings up to the boundaries is to maximise the efficiency of the site whilst allowing a suitable amount of internal space for the associated uses, trips to and from and parking for future employees, taking pressure of the existing on street parking that takes place on the surrounding highways. The proposed materials are suitable for this industrial area.
- 4.3.23 Given that the existing buildings and site layout is no longer fit for purpose, it is considered that the proposal which seeks to make the most effective use of space for layout purposes and provide industry standard units, whilst having an acceptable visual impact, is acceptable in this regard.
- 4.3.24 Overall, the design and layout of the proposed development would accord with SP9 and D1 of the Local Plan and Section 12 of the NPPF.

Landscaping

- 4.3.25 Policy D1 of the Local Plan requires that development proposals take all reasonable opportunities to retain existing vegetation and propose appropriate new planting.
- 4.3.26 The submitted Planning Statement and Landscaping Scheme sets out that careful consideration has been given to the setting of the proposed units and the existing character of the site, including the existing dense tree line boundary and existing boulevard style created by the tree line along Avenue One. The proposed development would retain all boundary trees and maintain a visual boundary to development, with a modern high quality building seen beyond the canopy.
- 4.3.27 An Arboricultural Impact Assessment has also been submitted, which has appraised the existing trees and vegetation on the site. It sets out that the proposal includes the removal of 35 category B trees, 18 category C trees and partial removal of 4 category C trees to facilitate the delivery of the new units, largely within the Southwest corner of the site. To compensate for these removals, the development includes central planting at the most prominent part of the site along the access road leading through the development from the northeast access and to the east of units 3 extending the tree line boulevard style of Avenue One. These new trees seek to implement a new native mix and tree buffer along the eastern edge of the site and enhance the access road with an attractive tree avenue along the new proposed pedestrian and cycle route into the site, with the central spine road incorporating rain gardens and a new outdoor amenity space in the northern corner with timber seats and picnic tables for future occupiers/employees.
- 4.3.28 The proposed landscaping strategy is centred around the retention of the existing dense tree line on the three boundaries with Avenue One, Second Avenue and Third Avenue, which is crucial to retain the established, positive character of this part of the Employment Area. The removal of a number of Category B and C trees is acknowledged; it is necessary to ensure the development can be carried out and replacement planting throughout the site is proposed to mitigate this loss. The new planting will be sited in important parts of the site, namely either side of the access road off Avenue One, the northern corner where the amenity area is to be sited, as well as reinforcing the existing tree lines on Avenue One and Second Avenue. The planting on the internal spine road, whilst not visible for outside the site, is acceptable. Utilising a native mix of trees is suitable. Conditions requiring that the development be carried out in accordance with the landscaping scheme, that the existing trees to be retained on site are protected during construction, and that any trees that die within the first 2 years are replanted during the next available planting season, will be recommended for this proposal.
- 4.3.29 It is considered that the proposed landscaping scheme is acceptable in planning terms, would assist in mitigating the loss of existing trees and meets the requirements of Policy NE4 and D1 of the Local Plan.

Highways, Access, and Parking

- 4.3.30 Policy T1 of the Local Plan states that Planning permission will be granted provided that development would not lead to highway safety problems or cause unacceptable impacts upon the highway network. Policy T2 of the Local Plan and the Council's Vehicle Parking at New Development SPD sets out that parking provision must have regard for the standards set out in said documents

- 4.3.31 The application has been submitted with a Transport Statement and Travel Plan which has considered the site and the proposal in the context of its impact on the highway network.
- 4.3.32 The proposal seeks to reduce the junction size of Avenue One, which will benefit pedestrians crossing the site access. The Transport Assessment confirms that an articulated HGV can access and egress the site using the revised site access even if on-street parking is present on Avenue One. The pedestrian footway on the southern side of the revised access is proposed to be extended into the Site to provide pedestrian access from Avenue One, and new pedestrian access is proposed via Third Avenue which will provide direct pedestrian access to the 'Sainsbury's' bus stop and local amenities located to the east of the site. The Transport Assessment states that the assessment of the local highway network does not indicate there will be a peak hour highway capacity issue as a result of the proposed development.
- 4.3.33 The Highway Authority have provided formal responses to this application, seeking further amendments to the existing access to shorten its width to allow for easier pedestrian crossings across the access in line with the NHDC Local Cycling and Walking Infrastructure Plan (LCWIP) for Avenue One, as well as other conditions relating to the improvements to the existing access, provision of EV charging points, Construction Management Plan, and Travel Plan. At the time of writing this report, amended plans have not been submitted as per the request of the Highway Authority, but informal correspondence has indicated that amended plans that seek to resolve this matter can be submitted and agreed. The access alterations would be assisted by a Traffic Regulation Order (TRO) on the part of Avenue One opposite the junction, given the tighter access and resulting tracking layout for HGVs. The provision of a TRO would be under the Highways Act and is therefore a matter for the Highway Authority. However, this is a material planning consideration and so it is considered reasonable to address this in a s106 legal agreement to ensure that the applicant is obligated to apply for the TRO to facilitate this development. This would trigger a cascade impact depending on the outcome of the TRO application, where if the TRO was approved then the amended access design as requested by the Highway Authority would be completed on site, but if the TRO was not approved then the access design as agreed by the applicant and Highway Authority as a suitable next best option would be completed on site. This will give the applicants the assurances they need for a fully implementable scheme, whilst also ensuring that the Highway Authority get some form of access which works for their requirements in accordance with the LCWIP.
- 4.3.34 In any event, the proposed measures are considered suitable, and conditions are reasonable to make the proposal acceptable in highway terms. These matters relating to the proposed access alterations can form part of the recommended resolution, that the application cannot be determined until a formal response of no objection to the amended access is received by the Local Highway Authority and this is delegated to the Development and Conservation Manager prior to any decision.
- 4.3.35 In respect of parking, the site is within Accessibility Zone 2 where under the Vehicle Parking at New Developments SPD, the zones represent the degree of restraint to be applied to new development within each zone type. Within each range the higher percentage represents the smallest acceptable reduction in provision. For Zone 2, this is 25%-50%. The maximum parking standards for each relevant land use is set out below alongside the Zone 2 reductions:

(Zone 4)	(Zone 2)
100%	25-50%

B2 General Industry	239	60 – 119
B8 Distribution	159	40 - 80
Mixed B1/B2/B8	298	75- 149

- 4.3.36 It is proposed to provide 106 car parking spaces across the site which, with the exception of B8, falls within the maximum ranges for the proposed land uses when applying the zonal factor. Out of the 106 spaces, 7 will be designated for blue badge holders, 7 will be designated for car sharers, and 21 will have EV charging points. There will also be 3 motorcycle parking spaces and 72 cycle parking spaces.
- 4.3.37 The guidance in the SPD was drafted based on the previous Use Class Order, so adjusting for the new Use Class Order and the proposed uses under this development, the two uses in bold above are relevant to this proposal. The proposed car parking sits between the requirements of the use classes proposed and exceeds the B8 requirement, which is considered acceptable and will take pressure off the on-street parking that is a known reality in this part of the Employment Area. The proposed spaces for blue badge holders, car sharers and EV charging, as well as the motorcycle and cycle parking provision, is also considered acceptable and in accordance with the relevant guidance.
- 4.3.38 Overall, the proposal is considered acceptable on highway, access and parking grounds, in accordance with Policy T1 and T2 of the Local Plan.

Ecology

- 4.3.39 This application was submitted with a Preliminary Ecological Assessment and BNG Metric. The Councils Ecologist was consulted on the application and formally confirmed no objection to the proposal on ecological matters subject to conditions covering a Construction Environment Management Plan, Ecological Enhancements, and the statutory BNG condition.
- 4.3.40 Much of the site was covered in hardstanding, some of which has become overgrown, particularly in the southeast corner. The site coverage/footprint of the actual building that exists currently is below 30%, which is significantly below standard industrial/commercial development (generally 40-50% site coverage). The proposal seeks to increase the developable area covered by buildings, which will result in some loss of trees as already considered in this report, and areas of the overgrown grassland.
- 4.3.41 The PEA includes an assessment of faunal interest in the site and advised a further Great Crested Newt survey on the nearby pond. This has returned a negative result meaning that the proposal will not impact on a protected species. The application is subject to a requirement to deliver 10% Biodiversity Net Gain. The submitted Biodiversity Metric indicates a 5.93% net loss of habitat units and a 316% net gain in hedgerow units. In order to meet the unit shortfall, off-site Biodiversity units will need to be sourced. The Councils Ecologist has corresponded with the applicants ecological consultants, and it is understood that investigations into a nearby habitat bank are underway, where details of which will be provided at discharge of condition stage. Given the existing habitats on the site and the submitted PEA which advises on a range of new ecological features that should be incorporated into the development, the conditions recommended to cover the CEMP and Ecological Enhancements are considered reasonable in this instance
- 4.3.42 Overall, it is considered that the proposed development is acceptable in ecological terms and can deliver net gains in biodiversity and subject to the above conditions and measures, will have an acceptable ecological impact, in accordance with Policy NE4 of the Local Plan.

- 4.3.43 Policy SP13 of the Local Plan states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset’s conservation and the management of its setting”*. This reflects paragraph 212 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas and listed buildings. Policy HE1 of the Local Plan states that *“Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset’s optimum viable use”*. This is reinforced by paragraph 215 of the NPPF.
- 4.3.44 The site is not within the Conservation Area and there are no nearby designated or non-designated heritage assets that would be impacted by this proposal. The proposal therefore accords with Policy HE1 of the Local Plan and Section 16 of the NPPF.

Archaeology

- 4.3.45 Whilst no archaeological information was submitted at the initial application stage, the County Councils LEADS Team provided formal comments in June 2025. These comments set out that the site is located less than 500m to the south of the course of the Icknield Way [Historic Environment Record No. 4182], which is an ancient route along the Chiltern ridge, parts of which were re-engineered in the Roman period. The site is also c.200 metres to the east of an undated inhumation burial [HER no. 1301] that was discovered in the northeast corner of a factory owned by Shelvoke and Drewry Ltd during the Second World War. Several Roman coins [HER no’s 1257, 1258, 1278] have been found nearby. Because of this, conditions have been recommended to ensure an Archaeological Written Scheme of Investigation is submitted prior to demolition/commencement of development, with post investigation assessments.
- 4.3.46 The applicants, following this response, submitted further details and commentary on the archaeological matters. This response sets out that the site is not within an area identified as an Archaeological Priority Zone in the Local Plan, and following review of the data including historic mapping and ground investigation logs, it is argued that the site has experienced extensive disturbance in the 20th century due to the development of the site for the steel and engineering works and associated ancillary infrastructure before subsequent demolition and redevelopment of the site in the latter quarter of the 20th century into its current configuration. Cartographic evidence has been submitted which are argued to show the presence of provable 20th century made ground due to the presence of concrete and similarly modern clasts/ inclusions. These made ground deposits were identified to be of 1.5m – 4.80m thickness with the base encountered between 79.50m – 76.20m above Ordnance Datum. The deposits unconformably overlie the Pleistocene glaciofluvial deposits or the chalk bedrock indicating that widespread truncation has occurred thus removing the potential for the presence of deposits of archaeological interest, should they have originally been present. This response effectively seeks to address the concerns of the County Councils LEADS Team and negates the need for any further investigations or archaeological conditions, except for ongoing monitoring during the construction of the scheme.
- 4.3.47 Following a meeting with the County Councils LEADS Team based on the aforementioned response, the formal response has been amended to replace a programme and methodology of site investigation and recording with an archaeological watching brief, given the likely extensive disturbances that have occurred on site. This has been agreed by the applicant.

4.3.48 This is acceptable and in accordance with Policy HE4 of the Local Plan.

Surface Water Drainage/Flooding

4.3.49 The site lies within Flood Zone 1 (low risk of flooding from rivers) with some areas of the site being susceptible to low and medium risk surface water flooding (flooding resulting from storm events). Given the scale of development, a Flood Risk Assessment and Drainage Strategy was submitted with this application.

4.3.50 The Lead Local Flood Authority (LLFA) was consulted on this application and formally responded with an objection to the scheme on several technical grounds but have set out that they would consider reviewing this objection if the stated issues are adequately addressed. One of the in-principle matters raised in the LLFA comments is whether this application passes the sequential test. The sequential test requires applicants to demonstrate that their proposed development site is the most suitable, low-flood-risk location compared to other available alternatives. The Council in this case consider that the sequential test is not necessary, given that we are looking at the proposed redevelopment of an existing brownfield site, within a designated and established employment area, with buildings and associated development, which would be for a similar purpose. It would make little sense from a planning perspective to require an applicant to consider alternative sites for the proposed development when this current site is vacant, comprises a building that cannot be easily re-used, and where there are indications that an amended FRA and Drainage Strategy can overcome the objections raised.

4.3.51 The submitted FRA and Drainage Strategy are comprehensive, and Officers understand that the applicant undertook pre-application submissions with the LLFA prior to this applications submission. The LLFA have set out their objection and what needs to be addressed in the FRA and Drainage Strategy and the agents have advised that these technical matters can be addressed without any significant amendments to the proposal. Therefore, given the extent of changes to the scheme will be very limited and the matters in dispute are very technical, alongside the lengthy time periods for consultation responses by the LLFA, it is considered reasonable to provide an additional proposal as part of the resolution recommended, that the application cannot be determined until a formal response of no objection and any relevant conditions is received by the Local Lead Flood Authority and this is delegated to the Development and Conservation Manager to consider prior to any decision being issued.

4.3.52 Therefore, subject to the proposed resolution which will enable future consideration of these matters, the proposal will not result in an unacceptable flood risk or have adverse drainage impacts, in line with Policy NE7 of the Local Plan.

Fire and Rescue

4.3.53 The County Councils Fire and Rescue Officer was consulted on this application and queried the location of fire hydrants around the site, particularly in the southeast corner between Second Avenue and Third Avenue. The applicants provided further information identifying that a fire hydrant does exist in this location currently, and that the proposal includes an additional two fire hydrants across the site. Subject to this information, the Fire and Rescue Officer has confirmed that the provision meets the Hertfordshire Fire and Rescue requirements.

Environmental Health (Noise, Air Quality, Land Contamination)

Noise

- 4.3.54 The application has been supported by a Noise Impact Assessment, which concludes that the noise levels generated from the site following the development will not have a negative impact on noise sensitive receptors nearby, as well as providing plant noise levels based on surveys. The Councils Environmental Health Officer has formally responded to this and given the location and proximity of receptors, raised no objections on noise grounds. There will be no adverse impacts on amenity of nearby neighbours as a result of this development, such that the development would be acceptable operating 24 hours a day/7 days a week, in line with Policy D3 of the Local Plan.

Air Quality

- 4.3.55 The application has also been supported by an Air Quality Assessment, which concludes that the impacts of the proposal will not be significant to warrant air quality concerns. The Air Quality Assessment also suggests measures which aim to minimise dust impacts during construction. The Councils Environmental Health Officer has formally responded to this and has no objection to the proposal on air quality grounds. They have considered whether the measures suggested in the Assessment could be conditioned by way of adherence to those measures, or by a Construction Management Plan. It is considered reasonable to ensure these measures are adhered to by recommending a condition that states that the development shall be carried out in accordance with the proposed measures set out in Section 6.0 of the Air Quality Assessment dated April 2025 by TRC.

Land Contamination

- 4.3.56 The application is also supported by a Phase 1 Land Contamination Assessment which concludes that a phase 2 ground investigation should be undertaken at the site. The Councils Environmental Health Officer has formally responded to this and agrees with this conclusion and recommends conditions ensuring that no development takes place until a Phase 2 report has been submitted to and approved in writing by the LPA, that the development will not be occupied until a validation report is submitted to and approved in writing by the LPA, and for monitoring of the site during construction for any contamination that was not previously identified. These are considered reasonable in this instance. This would comply with Policies NE11 and SP11 of the Local Plan.
- 4.3.57 The Councils Environmental Health Officer has also considered the submitted External Lighting Assessment, which has been designed to minimise impact from lighting on the surrounding area and upon ecology including shielding of lamps, choice of appropriate luminaires and efficient lighting. No objections have been raised on this matter.

Environment Agency

- 4.3.58 Given the nature of development and the possible contamination, geoenvironmental and geotechnical concerns, the Environment Agency were consulted on this application. Formal comments were received stating no objection to the development subject to 6 conditions covering various matters relating to ground investigation, verification, long term monitoring, previously unidentified contamination, surface water infiltration and piling.
- 4.3.59 The applicants have provided further information and data in response to the Environment Agency, querying specific parts of the recommended conditions (Conditions 1 and 3). The Environment Agency were consulted on this additional information and have formally responded with a slight variation to one of the conditions.

- 4.3.60 In any case, the proposed conditions from the Environment Agency are reasonable given the scale of development proposed and previous uses and have been largely agreed by the applicant.

Waste and Recycling

- 4.3.61 The County Councils Minerals and Waste Team were consulted on this application and response with no comments. It is assumed for Waste and Recycling that the operators of the units will adopt a private contractor arrangement for the disposal of waste and recycling, which is acceptable.

Statement of Community Involvement

- 4.3.62 A Statement of Community Involvement (SCI) has been submitted with the application. The SCI sets out the steps that have been taken to engage with the community and stakeholders. Over the public consultation period of approximately three weeks, opportunities were provided for local residents, businesses, and stakeholders to inform the proposals by responding to questions, providing feedback and engaging in discussions with the project team. Both digital and in person platforms were used including a project website, freephone numbers, and emails. Two feedback forms were submitted in response to the public consultation, and full details of these responses can be found within the accompanying SCI. The feedback received was largely positive.

Climate Change/Sustainability

- 4.3.63 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.
- 4.3.64 In terms of the economic objective, an Economic Benefits Statement has been submitted. The proposed development would bring a currently vacant site back into a commercial, employment generating use within an appropriate Employment Area, which will contribute to the local economy. The Planning Statement sets out that the development, based on its B2/B8 use, would generate approximately 123-314 new full time equivalent jobs during the operational phase, accounting for the flexible use. There is also the delivery of jobs during the construction phase, which is a material benefit given the scale of development.
- 4.3.65 In terms of the social objective, the proposed development would provide a significant uplift in local jobs which is also a social benefit.
- 4.3.66 In terms of the environmental objective, the proposed development has been supported by a Sustainability Assessment, Energy and Sustainability Strategy, and pre-Demolition Audit, which sets out the base build specifications for the proposed buildings, which includes the following measures:
- ☐ A commitment to BREEAM 'Excellent' as a minimum standard on all proposals.
 - ☐ An EPC rating of A+. The applicant is committed to exploring a range of opportunities and features to ensure any future proposal constitutes sustainable development.
 - ☐ Carbon Net Zero in Operation, in line with UKGBC Net Zero Carbon Buildings Framework.
 - ☐ Embodied carbon target <400kgCO₂/m².
 - ☐ At least 10% Biodiversity Net Gain (BNG) achieved through enhanced ecology, habitat creation and amenity spaces of local wildlife and communities. This may be achieved either on or off site.

- ☐ PV ready roofs.
- ☐ Roof lights for natural light.
- ☐ 95% of waste diverted from land fill during construction.
- ☐ Smart metering.
- ☐ EV charging spaces and infrastructure for the future.
- ☐ Designed and constructed in line with WELL Building Standards principles.
- ☐ Unlocking Local opportunities, including employment and skills plans and supply chain prospects.

4.3.67 The Councils Strategic Planning Officer has considered the proposal in respect of sustainability, noting that the proposal does include a preliminary BREEAM assessment targeting BREEAM “Excellent”/ “Outstanding”, which is very positive as it equates to Silver/ Gold respectively against our Sustainability SPD. Subject to further clarification on a number of points including the pre-Demolition Audit and on-site renewables, the Council’s Strategic Officer has concluded that Overall, the pre demolition audit and E&SS are very encouraging as they reaffirm the BREEAM “excellent” aspiration and the use of onsite renewable tech in the form of ASHPs and PV panels. The aspiration to meet BREEAM Excellent/Outstanding is inherently sustainable from an environmental perspective, in line with the Silver/Gold standards of our Sustainability SPD.

Developer Contributions

4.3.68 In considering Planning Obligations relating to this proposed development, the Community Infrastructure Regulations and Paragraph 57 of the Framework set out statutory and policy tests. These are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The Council’s Developer Contributions SPD 2023 also gives guidance on these matters.

4.3.70 Given the nature and type of development proposed herein, the County Councils Highway Authority and Growth and Infrastructure Unit have sought financial contributions.

4.3.71 The Highway Authority have sought Strand 1 contributions for the improvements to the site access to be delivered through a S278 agreement and travel plan contribution of £1200 per year (for a 5 year plan), and Strand 2 contributions in the amount of £78,080 calculated against the HCC’s adopted Developers Planning Obligation Toolkit (2021). The applicants have provided a response to this requested contribution, factoring in the existing site and use and calculating a reduced figure of £37,943 in Strand 2 contributions. The Highway Authority have considered this response and have formally responded, stating that they are in agreement with the amended figure for Strand 2 contributions. Moreover, the s106 agreement will incorporate an obligation on the applicant to apply for a Traffic Regulation Order (TRO) for the area of highway opposite the sites junction to allow for HGVs to ingress/egress the site without hitting any parked cars which is a known reality on Avenue One. The s106 will incorporate a cascade, whereby the outcome of the TRO application will determine which access design that seeks to incorporate the LCWIP will be delivered on site. Both options have been the subject of informal discussions with the Highway Authority and are ongoing, but the principle of access alterations are considered reasonable and form part of the resolution in the recommendation.

4.3.72 The Growth and Infrastructure Unit have requested contributions to the Fire and Rescue Service in the amount of £53,565 and monitoring fees in the amount of £420. The applicants have provided a response to this requested contribution, stating that they do not consider that this meets the Paragraph 57 of the NPPF. The Growth and Infrastructure Unit have considered this response and formally responded with further

justification for the proposed financial contributions but at a reduced figure of £26,030 based on discounting the existing floor space, which are considered to meet the CIL tests and have been agreed by the applicant.

4.3.73 As such, the following Heads of Terms have been agreed with the applicant and will form the basis for a suitable legal agreement:

HCC:	Requested contribution, ref. to index linking and date received:	Amendment / change and date:	Policy ref. / notes:
Highways	<p>Agreed site access improvements at the junction with Avenue One, once agreed delivered through a S278 agreement (Strand 1)</p> <p>Evaluation and Support Fee of £1200 per year (for a 5 year plan) for each Full Travel Plan (index linked to RPI from March 2014)</p> <p>£37,943 towards the NHDC Local Cycling and Walking Infrastructure Plan (LCWIP) for Avenue One, Letchworth Garden City (index linked to BCIS 1Q2024) (Strand 2)</p> <p>Obligation on the applicant to apply for a Traffic Regulation Order (TRO) for the area of highway opposite the access junction, with the resulting cascade effect on the access alterations based on the outcome of that TRO.</p>		<p>Policy SP7</p> <p>Developer Contributions SPD</p>
Fire and Rescue	£26,030 in Fire and Rescue Service Contribution towards expansion of Baldock & Letchworth Fire Station and/or provision serving the development (index linked to BCIS 1Q2025)		<p>Policy SP7</p> <p>Developer Contributions SPD</p>
Monitoring fee	£340 adjusted for inflation against RPI July 2021.		<p>Policy SP7</p> <p>Developer Contributions SPD</p>

4.3.74 Following consultation with the applicant and the County Councils Growth and Infrastructure Department and the Highway Authority, the Council are satisfied that the planning obligations that have been sought meet the tests of paragraph 57 of the NPPF.

Overall Matters/Planning Balance

4.3.75 Overall, it is considered that the proposed redevelopment of this site, facilitated by the erection of two buildings including three units for Flexible Use Classes including E g(ii)/(iii), B2, B8, including servicing, parking, access, landscaping, is acceptable in principle. The scheme would bring a currently vacant and inefficient site back into a form of use, which is appropriate in this Employment Area.

4.3.76 Whilst Officers acknowledge that the development will result in a marked change to the visual character of the area, it is considered that the proposal is well designed in form and layout given the utilitarian context and will result in an acceptable visual impact on the character of the area, whilst making more efficient use of this existing employment land, in a sustainable location, within a designated and established employment area in Letchworth Garden City. The scale of development proposed is industry standard for this type of commercial scheme, as evidenced by the supplementary information submitted as part of this application, to ensure this employment site is viably developed for future occupiers. The landscaping measures are considered acceptable.

4.3.77 All other technical matters relating to archaeology, ecology, the Environment Agency and environmental health (noise, land contamination, air quality, noise) have been satisfactorily considered and can be resolved via suitable conditions.

4.3.78 Matters relating to highways and the flood risk/drainage matters are considered largely acceptable at this stage and formal approval of such matters can be dealt with by the proposed recommended resolution, as any possible amendments or changes would not significantly affect the overall scheme.

4.3.77 The Heads of Terms have been agreed, and a suitable legal agreement will form part of the resolution.

4.3.79 The proposal is therefore considered acceptable in accordance with the relevant local and national planning policies.

4.4 **Conclusion**

4.4.1 As above.

4.5 **Alternative Options**

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

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

4.7 **Climate Change Mitigation Measures**

4.7.1 N/A

5.0 **Recommendation**

5.1 The application is therefore recommended to the Planning Control Committee with a resolution to **GRANT** planning permission, subject to the following matters:

- a) The completion of a suitable legal agreement in line with the agreed Heads of Terms.
- b) A response of no objection and any relevant conditions from the Local Lead Flood Authority, to be delegated to the Development and Conservation Manager prior to any decision.
- c) A response of no objection and any relevant conditions from the Hertfordshire Highway Authority, to be delegated to the Development and Conservation Manager prior to any decision.
- d) An agreement to an extension of time to the statutory determination date to allow for a), b) and c) to occur.

e) The conditions and informatives set out below.

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

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

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

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

3. The development shall be used under Use Classes E g(ii) (Research and development of products or processes) and (iii) (Industrial processes), B2 (General industrial), B8 (Storage or distribution), and for no other purpose (including any other purpose set out in Class E of the Schedule to the Town and Country Planning (Use Classes) 1987 as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that the use of the development is appropriate for this location, as other uses included within Class E would not be acceptable in line with policies ETC1 and ETC3 and sections 6 and 7 of the National Planning Policy Framework.

4. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

5. Prior to the first occupation / use of the development hereby permitted, provision shall be made for 20% of the car parking spaces (20 spaces) to have active provision for EV charging and the remaining 80% of the car parking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

6. No development shall commence, save for demolition and site clearance to slab level, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading/ unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

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

7. At least 3 months prior to the first occupation / use 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).

8. A No development, save for demolition and site clearance down to slab level, 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
 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 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, in line with Policy HE4 of the Local Plan.

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

Reason: The site lies within an area where there is 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, in line with Policy HE4 of the Local Plan.

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

Reason: The site lies within an area where there is 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, in line with Policy HE4 of the Local Plan.

11. No development approved by this planning permission, other than demolition of the existing building on site, shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 187, 196 and 197 and relevant position statements within the Environment Agency's Approach to Groundwater Protection.

12. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 187,196 and 197 and relevant position statements within the Environment Agency's Approach to Groundwater Protection.

13. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 187,196 and 197 and relevant position statements within the Environment Agency's Approach to Groundwater Protection.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and has obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 187,196 and 197 and relevant position statements within the Environment Agency's Approach to Groundwater Protection.

15. Development, save for demolition and site clearance to Slab level shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk 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, and 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 and relevant position statements within the Environment Agency's Approach to Groundwater Protection.

16. Piling or other foundation or ground improvement designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that piling or other penetrative foundation or ground improvement methods do not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework and relevant position statements within the Environment Agency's Approach to Groundwater Protection.

17. No development, save for demolition and site clearance to slab level approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted TRC Companies Ltd report dated March 2025 (Ref: 631621.0000.0000), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with Policy NE11 of the Local Plan.

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

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with Policy NE11 of the Local Plan.

19. Any contamination that is found during the course of construction of the development permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990 and in accordance with Policy NE11 of the Local Plan.

20. No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) should be informed by the April 2025 Preliminary Ecological Appraisal and include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to harm to biodiversity features.

e) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the North Herts Local Plan policy NE4.

21. No development, save for demolition and site clearance to slab level, shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as the inclusion of integrated bird/bat and bee boxes in buildings/structures, 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 North Herts Local Plan policy NE4.

22. The development hereby permitted shall be carried out in accordance with the proposed measures set out in Section 6.0 of the Air Quality Assessment dated April 2025 by TRC.

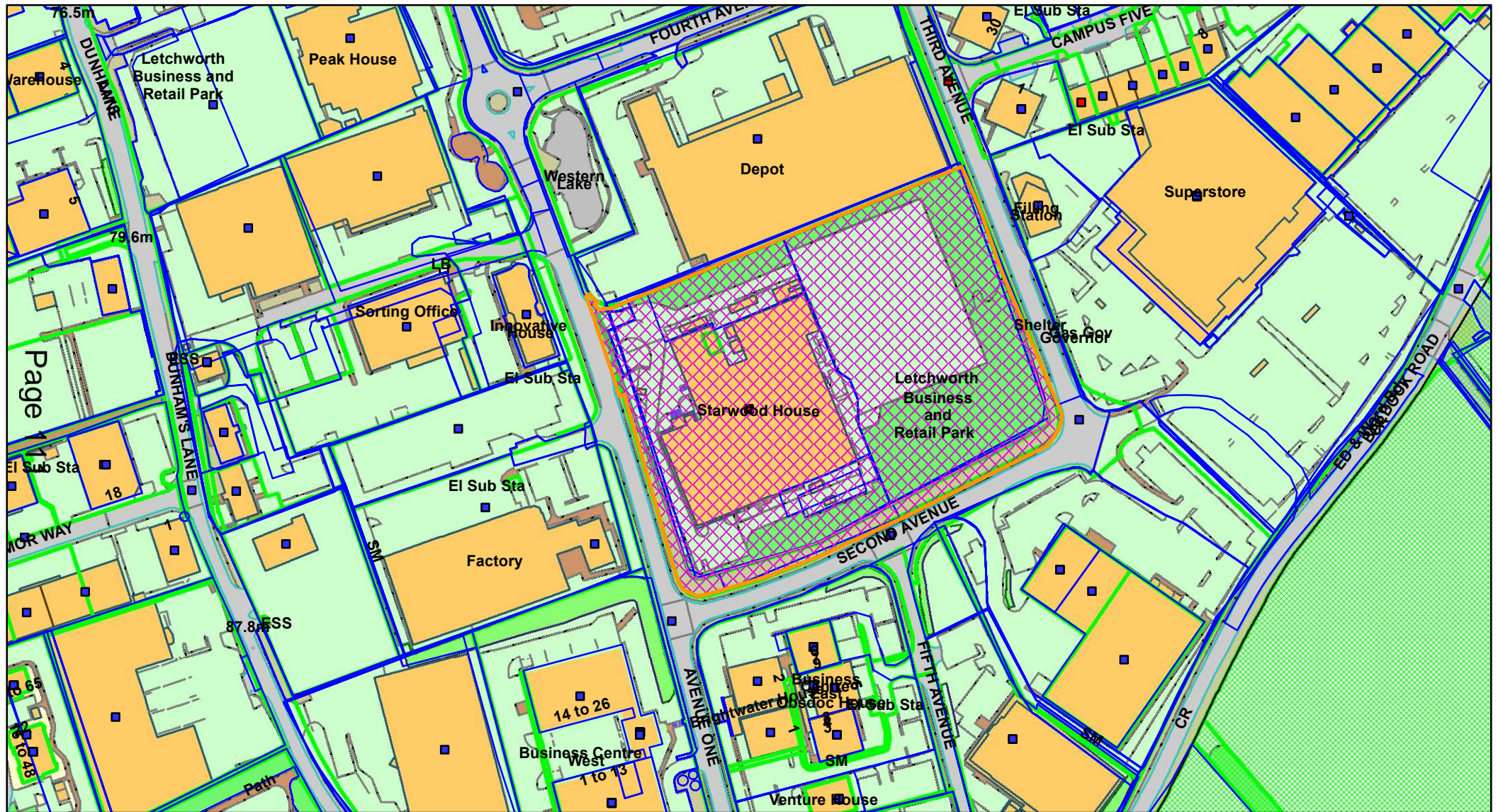
Reason: To ensure that the development has an acceptable impact on local air quality in accordance with Policy D4 of the North Herts Local Plan 2011 - 2031.

23. The development hereby permitted shall be carried out in accordance with the proposed measures set out in the External Lighting Assessment Report - Rev 1 - 2025.04.16 by MBA and plan no. 25020-MBA-EX-SP-DR-E-0001.

Reason: To ensure that the development has an acceptable impact in accordance with Policy D1 of the North Herts Local Plan 2011 - 2031.

Proactive Statement:

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



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Planning Control Committee

21st August 2025

*PART 1 – PUBLIC DOCUMENT

Planning Enforcement Quarterly Report

INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER

1.0 SUMMARY

- 1.1 This report is prepared in order to provide an overview of the Planning Enforcement service to the Planning Control Committee.
- 1.2 The Planning Enforcement Team has now completed the forward plan that established a series of reviews and actions over a period of 12 months. This document therefore reports on the standing items for the service in response to investigating and resolving alleged breaches across the district.

2.0 STRATEGIC CONTEXT

- 2.1 Planning Compliance is concerned with works which have taken place in breach of planning control as set out in the Town and Country Planning Act 1990 (as amended). The Enforcement Policy was updated in 2024 and is located as Appendix E in the Corporate Enforcement Plan. This sets out the Council's commitment to delivering effective planning enforcement and its contribution to residents and visitors of North Herts.

3.0 TEAM STRUCTURE

- 3.1 The Planning Enforcement Team is comprised of 1 Team Leader, 1 x Senior Compliance Officer, 2 x Compliance Officers, 1 x S106 Monitoring and Compliance Officer (part-time) and 1 Technical Support Officer (part-time).
- 3.2 Members are asked to note that Abigail DaBell joined the team as a Senior Compliance Officer following Stephanie Blunt's retirement in April.

4.0 PLANNING ENFORCEMENT PERFORMANCE AND RESOLUTION

- 4.1 The team are currently investigating approx. 130 cases, which is consistently with caseload levels over the last 12 months. During the period of April – July 2025, 80 investigations have been investigated, resolved and closed.

- 4.2 Quarterly data on planning enforcement data investigations and actions are published on the Council website and available via this link: [Planning enforcement | North Herts Council](#)

5.0 S106 and MONITORING PLANNING CONDITIONS

- 5.1 The S106 Monitoring and Compliance Officer maintains a schedule of all the S106 financial contributions held, and processes are introduced to include the process for confirmation of approval of details/confirmation development in accordance with conditions applications.
- 5.2 Work is ongoing to update the information on the Council website, which is to include links to supplementary documents and guidance. The Quarterly Reporting of S106 contributions and receipts, and the Annual Infrastructure Funding Statement are now published on the respective pages on the Council website. [Planning obligations \(section 106 agreements\) | North Herts Council](#)
- 5.3 As part of the Council's S106 monitoring and reporting, works are currently in place to develop a toolkit that will support delivery. Collaborations with Planning Policy, Development Management, Strategic Sites, Legal Services and Finance are aimed to set out and streamline the end-to-end processes that facilitate effective and accurate S106 monitoring, invoicing, receipts, allocations, spends, and reporting.
- 5.4 In bringing several different processes and workstreams together, Officers will explore opportunities for public-facing information and insight that can support Councillors, Parish councils, community groups and members of the public to access, understand and benefit from developer contributions across the district.

6.0 NEXT STEPS

To note this report

7.0 CONTACT OFFICER

Christella Menson, Conservation and Enforcement Team Leader

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

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**PLANNING CONTROL COMMITTEE
PLANNING APPEALS LODGED**

DATE: 21 August 2025

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
CORA Investments Limited	03 July 2025	Creation of car park with 28 spaces to serve the adjacent industrial area (development already carried out).	Land Adjacent To Breachwood Green Industrial Park Pasture Lane Breachwood Green SG4 8NY	25/00975/FP	Written Representations
Edward Lytton Cobbold	03 July 2025	Erection of five single storey terraced dwellings with associated landscaping, boundary fencing and cycle storage.	Old School House Park Lane Old Knebworth Hertfordshire SG3 6PR	24/02652/FP	Written Representations
Mr & Mrs Lee & Samantha Rogers	03 July 2025	Single storey side extension, installation of rooflights to existing front and box dormer to existing rear roofslope to facilitate conversion of loftspace into habitable accommodation, relocation of existing front door and erection of front entrance canopy following demolition of existing chimney, existing side conservatory and detached garage.	Tall Timbers 1b Melbourn Road Royston Hertfordshire SG8 7DB	25/00381/FPH	Householder Appeal Service
Mr Martin Basak	17 July 2025	Erection of single storey rear and side extension, patio and rear outbuilding (development commenced)	31 Thatchers End Hitchin Hertfordshire SG4 0PD	24/02811/FPH	Householder Appeal Service
Miss Beatrice Pryor	23 July 2025	Alterations to front access path and installation of two lawn signage structures (development already carried out)	The Old Grammar School Broadway Letchworth Garden City	24/01812/FP	Written Representations

			SG6 3NX		
Mr John Gass	25 July 2025	Replace 16no. existing single-glazed timber-framed windows with white Upvc double-glazed windows.	Keepers Cottage 2A Orchard Way Breachwood Green Hitchin Hertfordshire SG4 8NT	25/00956/LBC	Written Representations
Mr Matthew Judge	05 August 2025	Erection of 3no detached dwellings with garages following demolition of existing house and outbuildings. Formation of vehicular access onto the highway.	Trees Gosmore Road Hitchin Hertfordshire SG4 9AN	25/00423/FP	Written Representations

PLANNING CONTROL COMMITTEE**DATE: 21 August 2025****PLANNING APPEALS DECISION**

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
EPL 002 Limited	The construction, operation and decommissioning of a solar farm with the capability to export and import up to 49.9MW of electricity at any time, comprising the installation of ground mounted fixed solar panels, associated energy storage and ancillary development including customer and DNO substation, inverter and transformer stations, fencing, security cameras, landscape planting and associated works including grid connection (amended plans)	Land North East Of Wandon End Hertfordshire	22/03231/FP	Appeal Allowed on 15 July 2205	Committee	The Inspector concluded that the appeal site constitutes Grey Belt land and that it would accord with the provisions of paragraph 155 of the Framework. It would therefore not be inappropriate development in the Green Belt. However, the proposal would have a moderate adverse impact on both local landscape character and in terms of its visual effect and would be contrary to Policy NE2 (Landscape) of the North Hertfordshire Local Plan 2011 - 2031 (LP) The Inspectorate gave moderate weight to these harms. In addition, the proposal would cause less than substantial harm to the setting of four Listed Buildings. The Framework sets out a presumption in favour of sustainable development, and renewable energy development is central to achieving a sustainable low carbon future. The appeal scheme would make a significant contribution to this, and the Inspector gave substantial weight to the contribution the proposal makes to renewable

						<p>energy generation, addressing climate change and to improving energy resilience and security. In addition, the Inspector gave significant weight to the provision of a Battery Energy Storage Systems (BESS) and to the proposals use of available grid connection which means it would be able to start delivering energy within a short period of time. The Inspector also gave significant weight to the biodiversity enhancements the scheme would provide and moderate weight to the economic benefits. The Framework requires that where a proposal causes less than substantial harm to the significance of designated heritage assets, this harm should be weighed against the public benefits of the proposal. The Inspector attributed great weight to the potential harm to the Listed Buildings within the Tankards Farm complex and to the Windmill. However, the Inspector considered the contribution the scheme would make to the generation of clean and secure energy is a substantial public benefit, and together with the other benefits outlined above, would outweigh the less than substantial harm to the designated heritage assets. The Inspector identified that the proposal would conflict with</p>
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						<p>policies in the LP and so would not comply with the development plan as a whole. However, the Inspector considered that the benefits of the proposal are material considerations of sufficient weight to outweigh the harms the Inspector identified. Consequently, in this instance, this justifies allowing the appeal other than in accordance with the development plan.</p>
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Appeal Decision

Inquiry held on 17 – 20 and 24 June 2025

Site visits made on 16 and 20 June 2025

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2025

Appeal Ref: APP/X1925/W/25/3359065

Land north east of Wandon End, North Hertfordshire, LU2 8PS

- 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 EPL 002 Limited against the decision of North Hertfordshire Council.
 - The application Ref is 22/03231/FP.
 - The development proposed is the construction, operation and decommissioning of a solar farm with the capability to export and import up to 49.9MW of electricity at any time, comprising the installation of ground mounted fixed solar panels, associated energy storage and ancillary development including customer and DNO substation, inverter and transformer stations, fencing, security cameras, landscape planting and associated works including grid connection.
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Decision

1. The appeal is allowed and planning permission is granted for the construction, operation and decommissioning of a solar farm with the capability to export and import up to 49.9MW of electricity at any time, comprising the installation of ground mounted fixed solar panels, associated energy storage and ancillary development including customer and DNO substation, inverter and transformer stations, fencing, security cameras, landscape planting and associated works including grid connection at land north east of Wandon End, North Hertfordshire, LU2 8PS in accordance with the terms of the application, Ref 22/03231/FP, subject to the conditions in the Annex A.

Procedural Matters

2. The appellant voluntarily submitted an Environmental Statement with the application. However, the Council confirmed (March 2023) that an Environmental Impact Assessment was not required. There is no reason to disagree.
3. The grid connection route, which would be underground following the local road network, extends into the administrative boundary of Luton Borough Council. The planning application was submitted jointly to both Councils. Planning permission was granted by Luton Borough Council on 28 March 2024.
4. At appeal stage the appellant submitted an Enhanced Mitigation Strategy which proposes additional mitigation and enhanced planting along a number of field boundaries and around Tankards farm. This was subject to a public consultation and so I consider nobody would be prejudice by my determining the appeal on the basis of this plan.

Main Issues

5. The main issues in the appeal are:

- Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework);
- The effect of the proposal on the openness and purposes of the Green Belt;
- The effect of the proposal on the character and appearance of the site and the surrounding area, including the visual effect on users of the Public Rights of Way (PRoW) network; and
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

The site, the surrounding area and the proposal

6. The appeal site comprises a number of fields that are currently used for growing a variety of arable crops, and which total around 106 ha. Apart from the land required for the grid connection, the site lies in the Green Belt. Both externally, and particularly internally, field boundaries are limited but where they exist, they comprise a mixture of hedges, trees, grass mounds, grass verges and the rear gardens of properties. Darley Wood to the southeast lies between the site and the hamlet of Darley Hall. A number of PRoW cross the site and link to others in the wider area. Tankards Farm, which consists of a farmhouse and a collection of small agricultural buildings, one of which has been converted to a separate dwelling, lies in the centre of the site.
7. The surrounding area is currently largely agricultural in character punctuated with areas of woodland. The hamlet of Tea Green lies immediately to the west of the site, with Mill Way and Darley Hall being immediately to the East and southeast respectively. To the south of the site lies an agricultural machinery business and other small commercial units occupy Wandon End farmstead. Approximately 300m to the south lies the built-up edge of Luton, with the airport, whose runway and taxi-ways are visible from much of the site, being approximately 1km to the south.
8. The proposal would comprise ground mounted solar arrays arranged in rows, a number of battery energy storage systems dispersed across the site, along with essential electricity generation infrastructure, internal access tracks, security fencing, CCTV cameras and landscaping. The solar panels and associated infrastructure would utilise around 45ha of the site, with biodiversity enhancements and landscape planting, which would include an area of permissive parkland for community use, being provided on 57ha.

Planning Policy Context

9. The development plan as far as relevant to the appeal comprises the *North Hertfordshire Local Plan 2011-2031 (adopted November 2022)* (LP). The main

policies that are relevant to the appeal proposal are set out in Appendix 2 to the Overarching Statement of Common Ground (SoCG).

10. The Framework, the *Planning Practice Guidance* (PPG), the *National Policy Statement on Energy* (EN-1) and the *National Policy Statement on Renewable Energy Infrastructure* (EN-3) are all material considerations.

Whether inappropriate development

11. Policy SP5 of the LP indicates that development proposals in the Green Belt will only be permitted where they would not result in inappropriate development or where very special circumstances have been demonstrated. Paragraphs 154 and 155 of the Framework set out the forms of development that are considered to not be inappropriate in the Green Belt.
12. At the time the planning application was determined it was agreed that the proposed development would be inappropriate development in the Green Belt. Subsequent to this, in December 2024, a revised version of the Framework was published. This introduced the concept of Grey Belt land which is defined in its glossary, where subject to meeting various criteria in paragraph 155 and where appropriate paragraph 156, development may not be inappropriate. Further advice on whether land may be considered to be Grey Belt was provided in an update to the Green Belt section of the PPG published in February 2025. It is disputed between the parties as to whether the appeal site is Grey Belt land.
13. The glossary defines Grey Belt as "...land in the Green Belt comprising previously developed land (PDL) and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. Grey Belt excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
14. In this case it is agreed in the Green Belt SoCG that the appeal site is not previously developed land and that the site does not strongly contribute to purpose (b) or (d). From what I have seen, heard, and read, I agree with this position. However, it is disputed whether or not it strongly contributes to purpose (a) and whether in determining if the land is Grey Belt consideration should only be given to the land itself or the land together with the form of development proposed upon it.
15. The PPG gives advice on features that can assist in determining the level of contribution an area might make to the various purposes. For purpose (a) – to check the unrestricted sprawl of large built up areas it indicates that assessment areas that strongly contribute to the purpose "...are likely to be free of existing development, and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features: be adjacent or near to a large built up area; if developed, result in an incongruous pattern of development (such as an extended "finger" of development into the Green Belt)".
16. For a moderate contribution it indicates that assessment areas "...are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land's contribution to this purpose a, such as (but not limited to): having physical feature(s) in reasonable proximity that could restrict or restrain

development; be partially enclosed by existing development, such that new development would not result in any incongruous pattern of development; contain existing development; being subject to other urbanising influences.

17. The evidence base for the LP included an assessment of how different parcels of land within the Green Belt contributed to the various purposes. Within this the site lies within parcel 2 and more specifically within parcel 2f. Both the original assessment in 2016 and the update in 2018 conclude that both parcel 2 and parcel 2f make a significant contribution to purpose (a) and preventing the eastwards sprawl of Luton.
18. However, these reviews were undertaken to guide decisions as the LP was being developed and in particular to review the current boundaries of the Green Belt and assess potential development sites as it was recognised that the level of growth needed in the district would be unlikely to be accommodated on non-Green Belt land. Given their age, they were not giving consideration to whether land was Grey Belt or not and their assessment of the contribution of land to the purposes was not informed by the criteria set out in the PPG for this purpose. As such I give little weight to their findings.
19. Turning to the criteria in the PPG, the only existing development within the appeal site is Tankards farmstead, This consists of a farmhouse, and a collection of small and medium sized agricultural storage buildings and structures, as well as a barn that has been converted to a dwelling. Given their limited size and number and the area they occupy in comparison to the size of the site, I consider the site to be largely free of existing development.
20. To three sides the site is largely bordered by roads, rear gardens of properties, and Darley Wood. In addition, the northern boundary of the site is marked by a distinct change in the topography as the land falls away relatively sharply towards Lilley Bottom Road, as well as a row of mature trees. Irrespective of the width of the surrounding roads, these are all distinct, visible, physical features that can restrict and contain development. I note that similar features were considered acceptable in creating a defensible boundary to the Green Belt following the removal of the land from the Green Belt for the East of Luton allocation in the LP. Whilst the East of Luton site allocation policy SP19 requires structural planting along the eastern boundary with Stony Lane I note this is to reinforce rather than create a long-term defensible boundary. The fact that Wandon End Road cuts across the site in the south-western corner does not in my mind mean that these rural roads are not capable of forming a defensible boundary that can restrict and contain development. The PPG indicates that the features should be capable of containing and restricting development not that they have to.
21. Although not adjacent to the built up area of Luton, it is agreed by the parties that the site is near to it, and from my own observations I agree with this conclusion. Nonetheless, the site is physically and visually discrete from the built-up area of Luton.
22. The final feature the PPG indicates should be considered is whether, if developed, it would result in an incongruous pattern of development. Although there are three small hamlets around the site the surrounding area is predominantly agricultural land. The limited size of the hamlets mean they do not provide any sense of enclosure to the site. As such, irrespective of the form of development on the site,

any development would be surrounded largely by open fields on all sides, Therefore, I consider it would result in a “finger” of development into the Green Belt. If it is considered appropriate to consider the form of development, the degree of incongruity may be less for a solar farm in comparison to some other forms of development, but it would nevertheless still exist.

23. The development of the east of Luton allocation might reduce the impact in this regard to some extent, but when this might come forward is not currently known and the impact of the structural landscaping required along its eastern boundary would need to be taken into account. As a result, it would not be appropriate to take this potential development into my consideration on this matter at this point of time.
24. Bringing these points together, whilst the site is largely free of existing development, is near to a large built-up area and if developed would result in an incongruous pattern of development, it has physical features around its boundary that can restrict and contain development. In line with the advice in the PPG, I therefore conclude that the site makes a moderate, rather than a strong, contribution to purpose (a).
25. As I have been able to reach this conclusion with reference to the site alone, I do not consider it necessary to determine whether or not the appellant’s view that the form of development should also been taken into account is correct.
26. Based on this conclusion with regard to purpose (a), and the fact that I agree with the main parties that the site does not strongly contribute to either purpose (b) or (d), the site falls to be considered as Grey Belt. For the proposal to not be considered inappropriate development it needs to satisfy all the criteria in paragraph 155 of the Framework. The parties agree this is the case, and nothing I have seen, read or heard leads me to conclude otherwise. Consequently, the proposed development would not be inappropriate development in the Green Belt. As such there would be no conflict with LP Policy SP5.
27. Having regard to the Framework and the Court of Appeal judgement¹, as the effect of the development on openness and the purposes of including land within the Green Belt are not expressly stated as determinative factors in gauging the inappropriateness of the development, there is no requirement for me to separately assess the impact of the development on the openness of the Green Belt, or the purposes of including land within it.
28. The appellant requested that even if I consider the land is Grey Belt, that I still consider whether the proposal would be acceptable if I had concluded otherwise, and that very special circumstances would be required to be demonstrated. However, I do not consider it is necessary for me to do this.

Character and appearance

Landscape Character

29. Policy NE2 of the LP requires that developments should respect the sensitivities of, and not cause unacceptable harm to, the landscape character area in which they are located. Policy NE12 indicates that proposals for solar farms involving the

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

best and most versatile (BMV) agricultural land should be determined in accordance with national policy. The Framework indicates that developments should recognise the intrinsic character and beauty of the countryside.

30. At the time of the planning application the site was within a 'candidate area' for an extension to the Chilterns National Landscape. However, in May 2025 Natural England announced that the boundary extension review was cancelled and so there is now no prospect that the site could be included in the National Landscape for the foreseeable future.
31. At a national level the appeal site lies within National Character Area 110: Chilterns. Key characteristics of this area are set out in the Appendix LM01 of the proof of evidence of the appellant's landscape witness. At the regional level the site largely falls within the Woodland Plateau Farmlands Landscape Character area which for the most part is described as "...a settled, early enclosed landscape with frequent ancient woods, associated with a rolling, in places undulating glacial plateau, dissected by numerous shallow valleys".
32. As set out in the North Hertfordshire Landscape Study (NHLS), the majority of the site lies in the Breachwood Green Ridge Landscape Character Area, with a small part of the northwestern corner of the site being within the Lilley Bottom Landscape Character Area. The area within Lilley Bottom would remain as an open field with infill hedging and additional trees along the field boundaries and various biodiversity enhancements.
33. Key characteristics of the Breachwood Green Ridge Landscape Character Area are: a gently rolling plateau landform; large scale arable fields with scattered farmsteads and dwellings; a mixture of ancient deciduous woodland and recent mixed plantations; and narrow sunken lanes with passing places. The water tower at Tea Green is highlighted as a distinctive feature in the area. It also notes that the field pattern is degraded with many hedgerows having been removed, especially where intensive arable production dominates. I observed many of these characteristic features during my site visit.
34. The NHLS considers that the landscape condition is poor, and the overall landscape strategy is to "improve and restore". Landscape actions include: promoting management of ancient woodlands; creation of buffer zones between intensive arable production and semi-natural habitat and the creation of links between habitat areas; promoting hedgerow restoration along the lines of historic field boundaries; promoting the diversity of hedgerow species and planting of standard hedgerow trees; and maintaining and extending the PRow network.
35. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA) which was updated during the determination period to take account of amendments made to the proposal. At the time this was reviewed by an independent landscape expert on behalf of the Council. The LVIA has been reviewed by both the Council's and the appellant's landscape witnesses, who also undertook their own analysis of the effect of the proposal on the landscape. These differ in part from the LVIA and from each other. Given the diverging views in the evidence before me, whilst I have taken into account the various evidence presented to me, I have come to my own conclusions based on this and what I observed on my visits to the site.

36. The site and immediately surrounding area is not covered by any national or local landscape designations. Although it is clearly highly valued by local people, with reference to paragraph 187 of the Framework, I do not consider it is a “valued landscape”.
37. Whilst typical of the character area, the site and immediate environs are not particularly notable or rare in landscape character terms and I agree with the NHLS that as a result of the degraded field pattern in particular, it is in a poor condition. The loss of traditional field boundaries often results in panoramic views from the PRoW network, although in some areas the undulating topography and the blocks of woodlands create a greater sense of enclosure and curtail views. Nonetheless, in views southwards some airport infrastructure is visible from the area and the noise associated with the frequent arrival and departure of aircraft draws the eye to this and significantly affects, what would otherwise be quite a tranquil landscape. However, I consider that to people living in the area, the familiarity with this noise would lessen its impact. Whilst not something I was able to observe due to the time of year I visited the site, I note that the NHLS also highlights that the airport is also a source of light pollution.
38. Whilst the PRoWs that cross the site are well used, only the Chilterns Way long distance route that runs to the south of the site is a nationally recognised route. Although I note some of them form part of walks promoted by the CPRE and Parish Council, the routes appear to be primarily of local recreational value and are unlikely to attract people from any significant distance.
39. In comparison to the hamlets dotted around the edge of the site, the proposal would cover a larger area. However, the character and appearance of a solar farm is fundamentally different to that of a settlement, and so it would not “swamp”, or be unsympathetic in scale to, the settlements in the way a housing development of the same size would.
40. Overall, using the methodology and scales provided in the original LVIA², I consider that the landscape in the area has a medium to low value and a medium to low susceptibility to the proposed change. Therefore, it has a medium to low sensitivity to change.
41. Whilst the Council highlighted that the appeal scheme would extend across the whole of the Landscape Character Area and so would effectively sever it, the adjacent East of Luton allocation which formed part of the same character area also did the same. Moreover, unlike the solar farm, the East of Luton development would be permanent.
42. The degree of activity and disturbance would be most notable during the construction period. This is estimated to be between 6-9 months, and so would be short term and temporary. There would be no material change to the landform and the majority of existing trees and hedges would be retained.
43. Despite the limited height of the panels and most of the associated supporting infrastructure, the straight rows of panels and the horizontal emphasis of the scheme, to the extent that it would be perceived, would appear out of place in this rural landscape. Whilst 40 years is a significant period of time, the panels and associated infrastructure are fully reversible.

² Figures 6.1 to 66.6 of Core Document 1.17

44. Moreover, through the grazing of sheep the agricultural use of the land would continue. Whilst this would result in the fields being used for pasture (alongside the panels) rather than arable, and result in the loss of the current seasonal changes associated with arable farming, such a change in agricultural use could take place at any point in time without the need for planning permission.
45. In addition, the proposed development would be contained within the existing field layout and the proposed planting of new species rich hedgerows and trees, including the reinstatement of hedges along historic field boundaries would be beneficial to the landscape character. Whilst field boundaries are generally only marked by a single hedgerow, given the PRowS that cross the site, it is likely that in the past there may well have been hedgerows to both sides of these routes to delineated them from the fields.
46. Overall, I consider the magnitude of change would be greatest during the construction phase, where it would be medium to large adverse, but whilst operational would be medium adverse. Taking this into account along with the sensitivity of the landscape, leads me to conclude the proposal would result in a moderate to substantial adverse effect on the landscape character of the site and surrounding area during construction, that would reduce to moderate adverse during the operational period. Following decommissioning, as a result of the hedgerow planting and other proposed planting that would improve and restore the landscape, it would have a moderate beneficial effect.
47. The site forms a relatively small part of the wider Breachwood Green Ridge Landscape Character Area, and the development would accord with a number of the actions in the 'improve and restore' strategy for the character area. So, I consider the impact of the proposal on the wider Landscape Character Area would be slight to moderate adverse during construction reducing to slight when operational and negligible once the proposed planting is mature. Following decommissioning the retained planting would have a slight beneficial effect.
48. The East of Luton allocation forms part of the same Landscape Character Area and so there is potential for cumulative landscape character effects with this proposal. Given the size of this adjacent development it maybe some time before development commences, and it is likely to come forward in phases. It could therefore be many years before any development takes place in the vicinity of the appeal site. For the time the two schemes co-exist I consider there would be moderate adverse cumulative effects on the landscape character in the vicinity of the site.
49. The airport lies in a different landscape character area. Whilst some of the off-site mitigation landscaping works will take place on the southern part of the site, the physical building works are well away from the site. As a consequence, I agree with the Council that there would be no cumulative impacts on landscape character resulting from the airport expansion.

Visual Effects

50. The extent of visibility would vary from season to season but the Zone of Theoretical Visibility (ZTV) mapping shows that visibility of the proposal from the surrounding area would be limited as intervening vegetation and topography often restrict views. There are no points where the entire proposal can be seen. Outside the site potential visibility is limited to between 10-50% of the site at worst, and to

within 1km of the site. I observed that in such views the proposal would generally be a small component of a wider panorama. It is not disputed that the proposal would have a negligible adverse impact on users of the Chiltern National Landscape – a conclusion I agree with.

51. In considering the visual effects on various groups of users below I have again, used the methodology scales set out in the LVIA, and using these, as the site and surrounding area is an undesignated landscape, the value of the landscape is low.

(i) Road Users

52. From the surrounding road network, the roadside vegetation and/or intervening vegetation often limit views of the site. Nonetheless, there are some places where there are views into parts of the site. Drivers would primarily be paying due care and attention to other road users and hazards, so would only take in limited glimpses of the development. Even for passengers, views would only be fleeting. Whilst the views would be less fleeting for pedestrians, the absence of footways and street lighting means these are not attractive or particularly safe routes for pedestrians. As such, the susceptibility of road users is low and so I consider their sensitivity to change is low.
53. The mitigation planting, when established, would reduce the ability to see the proposal from the local roads where views are currently possible, and given that roadside hedges are relatively common in the vicinity such planting would not appear incongruous. Given the fleeting nature of views and the limited number of places where they would be available, the magnitude of change for road users would be small.
54. Overall, I consider the proposal would result in a slight adverse visual effect on road users that would reduce to negligible when the mitigation planting is established.

(ii) Residents

55. Properties at Tea Green and along Mill Way back onto the site and so, depending on the nature and height of their rear boundary treatments and/or vegetation overlook the site from the windows in their rear elevations and their rear gardens. Views of the site are also possible from Crouchmoor Cottage, the two properties at Tankards farmstead and the upper floors of Greenacres. I am aware that the personal circumstances of some adjacent residents makes them particularly sensitive to changes, however, it has to be borne in mind that these are private rather than public views. Nevertheless, overall, I consider the susceptibility to change of residents is high, and so the sensitivity is medium/high.
56. The land closest to all the surrounding properties would not be used for the siting of panels but left as open land managed for biodiversity and in the case of field 13 as a permissive parkland for community use. The proposed planting between properties and the nearest panels would help screen the development from view as it matures. Whilst for some residents this would alter their current views, such planting could be introduced at any time by the landowner without recourse to the planning system. Moreover, whilst their view may change, the distance maintained to the panels from houses would be sufficient to ensure the proposal would not unacceptably alter the outlook from them.

57. Nonetheless, there would be medium magnitude of change reducing to medium/small as the vegetation matures. Thus overall, the proposal would have a moderate adverse effect.
58. Views of the site are possible from properties further away from the site such as some of the dwellings on Brownings Lane. However, due to the distance and the proposed planting around the site, views of the proposal would be limited and not have an adverse effect.

(iii) Users of the Chilterns Way long distance route

59. The Chilterns Way does not cross the site itself, but a short stretch of it lies to the south of the site. Views across some of the southern part of the site come and go from the route on the approach to Darley Road. As users of the national long distance footpath, they would have a high susceptibility and so their sensitivity would be medium/high. However, given the partial nature of the views, and the limited stretch of the route they are visible from, the magnitude of change would be small.
60. Moreover, the reinforcement of existing hedging and the proposed new hedge and tree planting within and around fields 3 – 5 in particular would largely restrict what views are possible from this route as it matures. So overall the proposal would have a moderate/slight adverse effect on users.

(iv) Users of other PRowS

61. The appeal site and area around it contains an extensive network of footpaths that are clearly well used and highly valued. The proposal would not result in the loss or diversion of any of these and would create a new permissive path within field 18 that would connect to existing PRowS and so prevent users having to walk along Stony Lane. The existing footpaths are generally narrow and unsurfaced. On the whole they are open in nature, allowing open views but there are places where they are bordered by hedges or short stretches of fencing. Views are restricted by these as well as by the woodlands and trees found in the site and wider area.
62. As the PRowS are local routes rather than part of a long distance recreation route, I consider the susceptibility of users is medium and so their sensitivity is also medium.
63. The proposed landscaping would introduce new native hedging to define field boundaries where none exist at present and reinforce existing hedging along these routes. It was confirmed that the distance between the hedges would be a minimum of 7m making the paths much wider than at present and enabling people to walk alongside each other and cross more easily. Hedgerows and belts of trees are not uncommon in the surrounding area, so the planting would not appear and incongruous feature, even if those familiar with the routes would notice the change.
64. As the planting matures the current panoramic views that are possible from a number of these routes, together with some of the views of the water tower, the windmill and Tankards farmstead would be lost, and the sense of openness they provide would be curtailed. Whilst such impacts are very localised, the loss of views and openness would be very noticeable to those familiar with the routes, albeit this would diminish with time. However, it needs to be borne in mind that the

landowner could introduce similar planting along these routes without any recourse to the planning system.

65. Whilst on some of the routes the planting to either side would limit views to directly in front and behind, the width of the paths would be sufficient to ensure they would not create an oppressive tunnelling effect. Although the intensive arable farming undertaken in the area has resulted in many of the local footpaths in the area being open, across the country PROWs enclosed on either side by hedges, many of which are much less than 7m in width, are relatively common. These still make attractive, well used and safe routes.
66. Whilst the screening effect of the planting would be greater in summer than winter, the density of the hedging would ensure it still helped to screen views in winter. Generally, once the proposed planting has matured, clear views of the solar farm would largely be limited to where field access points are adjacent to a route. Such views would be brief and so this would limit the negative experience the proposal may cause to users.
67. Given the number of footpaths that cross the site and the considerable alteration to the views, I consider the magnitude of change brought about by the proposal to users of these routes would be large during construction, but this would reduce to medium as the planting matures. Therefore, the proposal would have a substantial adverse effect at construction that would reduce to moderate adverse after the planting has matured.
68. For footpaths in the wider area, the magnitude of change would be smaller as views would generally be longer distance, that would often come and go, and where the site formed part of a wider panorama. So, the proposal would generally only have a slight adverse effect, although for footpath 23 to the north-west this would be slightly higher due to the elevated views possible of the site.

(v) Cumulative Effects

69. Within the immediate vicinity the expansion of the airport and the “East of Luton” allocation have the potential to result in cumulative visual effects. From a number of residential properties and footpaths where the airport is visible, there is the potential for in combination visual effects. However, hedgerow restoration would take place as part of the off-site mitigation measures for the airport expansion. This would complement that proposed for the appeal proposal. When mature I am satisfied that this would prevent any significant cumulative effects with this scheme.
70. Tea Green prevents intervisibility between much of the site and the proposed “East of Luton” allocation, however there would be some intervisibility in the vicinity of the access road to Tankards Farm. The proposed solar farm would have a very different character to the housing and other development proposed as part of this allocation. In addition, the policy that allocates the land for this development indicates that structural planting will be required along the boundary with Stony Lane. This together with the proposed planting along the access road on the site, and the very different character of the two schemes would reduce the potential for cumulative effects. In any case, the strategic masterplan and planning application(s) for this scheme would have to take account and address any potential cumulative impact with the solar farm. As a result, I consider there would not be any significant cumulative effects with this proposal either.

Conclusion on visual effects

71. Whilst the visual impact on road users would be limited and there would be no significant cumulative visual impact, the visual impact on residents and users of the Chiltern Way would be moderate adverse, whilst for users of the network of PRowWs that cross the site it would be substantial reducing to moderate adverse as the vegetation matures.

Conclusion on character and appearance

72. I have found that when operational the proposal would have a moderate adverse impact on landscape character and, even when the vegetation is mature, it would have a moderate adverse visual impact. Whilst the reinstatement of hedges would have a moderate beneficial impact on landscape character after decommissioning, for the 40 years it is operational it would have an adverse impact on the character and appearance of the area. Consequently, it would conflict with the policies set out above.

Benefits arising from the proposal

Renewable Energy Generation and Energy Security

73. The proposal would be able to export up to 49.9MW at any one time which is estimated to provide the equivalent energy to power 18,500 households. The site benefits from a grid connection at Luton Airport Primary Substation for 35MW, to which it could be connected within 2 years. The remaining capacity is expected to be used to supply renewable energy to the airport, a major local employer with high energy demands.
74. In 2019 the Government declared an Environmental and Climate Change Emergency. Various recent government publications have highlighted the need to significantly increase generation from onshore wind and solar energy production, as it seeks to ensure that by 2035 all our electricity will come from low carbon sources.
75. The most recent publication, the Clean Power Action Plan 2030 published in December 2024, reiterates the need for a rapid deployment of new clean energy setting an ambitious target of 45-47GW of solar power to be achieved by 2030. This will require an additional 28-30GW of solar generation to be connected in the next 5 years. To achieve these targets, it is clear that considerable growth in large scale solar farms will be necessary, more than 100MW per week, and this cannot be achieved solely by the use of brownfield land or roof top installations.
76. Detailed advice from the National Energy System operator, which has been accepted by the government, is that, even assuming that all projects that have an accepted grid connection offer come forward, there is a significant undersupply in solar to meet the 2030 target.
77. The Council also passed a climate emergency motion in 2019, and its current Climate Change Strategy indicates that it seeks to be carbon neutral in its own operations by 2030 and a carbon neutral district by 2040. Whilst the Climate Change Strategy does not specifically set targets for renewable energy generation, to become a carbon neutral district by 2040 would require 6-8 projects of this size to meet current electricity demand, even without taking into account the fact that demand is likely to increase significantly before 2040.

78. Whilst I note the concerns raised about the efficiency of solar farms and their ability to produce power when it is most needed, and the suggestion that off-shore wind is far more efficient, the government clearly identifies solar energy as a form of renewable energy in which they want to see significant growth. Moreover, the efficiency of the panels has improved markedly in recent years.
79. As well as helping to address climate change, the British Energy Security Strategy (April 2022) indicates that renewable energy has a key role to play in providing greater energy security for the country and reducing our need to import energy. This is also highlighted in EN-3.
80. The proposed development would make a valuable contribution to achieving these local and national targets. I therefore consider that the proposal's potential for a rapid contribution to renewable energy generation and addressing climate change, as well as towards improving energy security and resilience, are distinct benefits that both must be given substantial weight.
81. The Updated Alternative Site Selection Assessment, whose findings and methodology have not been contested by the Council, show that the appeal site is the only site that could make use of the available capacity at the Luton Airport Primary Substation. Given the well documented issues with grid capacity, the ability to make use of this existing grid capacity is a factor to which I give significant weight.
82. It has been highlighted by residents that the threshold for solar farms being for Nationally Strategic Infrastructure Projects is going to be increased from 50 to 100MW. However, I do not consider this in any way diminishes the benefits arising from this proposal but is just a procedural change to enable more schemes to be able to progress through the quicker planning regime.

Battery storage

83. The Energy White Paper 2020 is one of a number of recent government publications that highlight the pressing need for battery storage to support the growth in renewable energy. EN-1 sets out that storage is needed to increase the reliability and security of the energy system by providing the ability to store surplus electricity in times of low demand and/or high production and releasing it when demand is high. Recognising the crucial role battery storage has in meeting the growth of electricity demand and maintaining a secure energy supply, the Clean Power Action Plan 2030 sets a target of achieving 23-27 GW of battery capacity by 2030, which represents a 400-500% increase over 5 years.
84. Battery Energy Storage Systems (BESS) are a separate and distinct facility. Whilst they are sometimes provided as part of a solar farm, they can, and often are, standalone development. In being co-located with the proposed solar farm the proposed BESS would make efficient use of land and would enable the energy produced to be used effectively as well as providing flexibility for the grid. I consider this is a separate element of the proposal and the benefit it provides should be given significant weight.

Biodiversity Net Gain and ecology

85. The Council declared an ecology emergency in 2023. The Environmental Statement and the Ecological Impact Assessment that accompanied the

application assessed the current ecological resources and the potential effects on these. They concluded that there would be no significant adverse impacts on species or habitats present in the site or area. In the absence of any evidence to the contrary I see no reason to disagree with this conclusion.

86. The proposal would provide a range of measures that would benefit biodiversity on 57ha of land within the site. These include new and improved native hedging, native tree planting, skylark plots and insect hotels, which would more than mitigate any loss of habitats. This land would also provide opportunities for wildlife to be able to move across the site, and in contrast to the current agricultural fields would be managed in ways that benefit wildlife. The Biodiversity Net Gain Metric indicates the proposal would deliver biodiversity net gain of 165% for habitat units, 142% for hedgerow units and 58% for river units.
87. The improvements to existing tree and hedgerow planting and the reinstatement of historic hedgerows within the fields would be retained after decommissioning and so would be a permanent ecological benefit of the proposal. Overall, I give significant weight to the biodiversity benefits of the proposal.

Economic

88. The proposed development would represent a significant financial investment and would give rise to short term construction jobs, albeit the economic benefits would reduce significantly once the development was operational. It would also result in additional business rates over its 40 year lifespan and has the potential to supply lower cost renewable energy to a major local employer.
89. It was also suggested that the proposal would assist in the stability and ongoing viability on the rural business operated by the landowner. Whilst the proposal would provide secure rental payments from these fields no evidence was provided to show the need of the business in this regard over and above what is secured from the current agricultural use.
90. It was suggested that the proposal could result in some harm to local businesses that rely on the use of the PRow network. The effect on the PRow network has been considered above. Whilst I have concluded that the proposal would cause some harm to the users of the network, I am not persuaded that this would lead to the loss of viability of any existing businesses.
91. Overall, I give the economic benefits of the scheme moderate weight.

Other Matters

Use of BMV land

92. The national Agricultural Land Classification map indicates that the site is Grade 3 land. As this is indicative of the type of land in the area rather than providing an assessment of any particular field, the appellant submitted an Agricultural Land Classification and Soils Assessment for the site. This concluded that 53.6ha of the site was Grade 3a and 46.6ha was Grade 3b, with the remaining 5.6ha being non-agricultural land. It also highlighted that soil stoniness, an attribute clearly visible on my site visits, limited the land quality in places. Nevertheless, its findings are that around half the site is BMV land. The methodology and findings of this report are not disputed by the Council.

93. However, a partial survey of the 51 ha in the central part of the site, undertaken on behalf of an interested party concluded that this area comprised a mix of Grade 2, Grade 3a and Grade 3b land. As a result, this concluded that around 79% of the site was BMV land.
94. This second survey is only a partial survey and, as highlighted by the appellant, the methodology used does not accord with the standard Agricultural Land Classification methodology in a number of ways. As a result, I consider that the findings of the appellant's assessment are more likely to be reliable. Nevertheless, whichever survey is used, the site includes a significant amount of BMV land, some of which would be under solar panels.
95. Policy NE12 of the LP indicates that proposals for solar farms on BMV land should be determined in accordance with national policy. The Framework indicates that the economic and other benefits of BMV land should be recognised, and whilst in relation to a paragraph on plan making it indicates that where it is necessary to allocate land that involves significant amounts of agricultural land, areas of poorer quality land should be preferred to those of higher quality. Therefore, whilst the use of BMV land needs careful consideration, there is nothing that indicates the use, or loss of such land is prohibited.
96. The proposal would change the use of the land for 40 years. Whilst this is a significant period of time it is not permanent. Furthermore, during the operational period the land around the panels would be used for the grazing of sheep and this can be controlled by a condition. Given this, the land would still be used for some agricultural purpose during the operation of the solar farm, and it is the intention the land would be fully returned to agricultural use after decommissioning.
97. Although resting the land from intensive arable use would not alter the agricultural land quality, it would be likely to improve soil health by improving the soil structure and increasing the organic matter content. In addition, the agricultural land quality, soil texture and soil characteristics would not be affected by the non-application of fertiliser.
98. The proposed Soil Management condition would ensure the construction process was undertaken in a way that would not be harmful to the soil, and that the small areas where soil would need to be moved to create bases for infrastructure and tracks would be capable of restoration. Therefore, I am satisfied that the proposal would not result in a loss of soil or agricultural land quality.
99. Whilst third parties suggested that food security is at risk by repurposing agricultural land, there are no national or local policies that relate to food security and production. The Written Ministerial Statement "Solar and Protecting our Food Security and Best and Most Versatile Land" (15 May 2024) indicates that whilst food security is an essential part of national security, even under the most ambitious scenarios for the growth of solar farms, they would only occupy less than 1% of agricultural land in the country. Whilst anecdotal evidence suggests yields from the land are good, even taking the higher estimate for the amount of BMV land, the impact of the loss of this land for arable production would be negligible at a national scale.

Heritage

100. Although heritage was not a reason for refusal, there are a number of Listed Buildings both within and in the vicinity of the site. The Heritage Proofs of Evidence from both the Council and appellant set out in detail the significance of the heritage assets, the contribution the setting makes to their significance and the impact of the proposal on this.

(i) Tankards Farm complex

101. Tankards Farmhouse, the East Barn and the Stable and Adjoining Barn are Grade II Listed Buildings, that form part of the Tankards Farm complex located within the site. The East Barn has been renovated, extended and is now a dwelling. Their significance lies largely in their physical fabric which has architectural and historic interest, and they have group value.

102. The appeal site forms part of the setting of the buildings as it forms part of their immediate agricultural surroundings. In addition, at points along a number of the PRoWs that cross the site the architectural and historic interest of the buildings can be appreciated, although given the distance of many of these views this is only to a limited degree. Nonetheless, the site makes a small contribution to the significance of the assets.

103. The proposal would not result in any change to the approach to the farm complex as to either side of this the fields would not contain panels, nor to the physical fabric of the buildings themselves. However, it would reduce the ability to appreciate the buildings from the wider area and to appreciate the rural surroundings of the farmstead.

104. It is agreed by the main parties that the proposal would result in less than substantial harm to these assets and that this would be in the middle of the scale. This is a conclusion I agree with.

(ii) The Windmill

105. The windmill situated just beyond the northeast corner of the site is also a Grade II Listed Building. Although now converted to a dwelling it provides evidence of the historic agricultural economy of the area. Its significance lies largely in its built form that has historic and architectural interest. The immediate agricultural setting of the windmill, which includes the northern part of the appeal site, makes a small contribution to the significance of the asset as it shows the historic agricultural context and the relative isolation of the windmill.

106. The appeal scheme would reinstate some of the historic hedgerows in the vicinity of the windmill and would not result in any harm to its built form or its immediate setting. However, it would result in some change to a small part of the wider agricultural setting. This would result in less than substantial harm to the asset and given most of this wider agricultural setting would remain unaltered I consider this is at the lower end of the scale.

(iii) Crouchmoor Farmhouse and The Smithy

107. Crouchmoor Farmhouse is also a Grade II Listed Building, whilst The Smithy is a non-designated heritage asset, that both lie to the southwest of the site. The farmhouse lies on the far side of the road and is surrounded by a high brick wall

and vegetation along the roadside boundary, with little visibility from the public realm. Its significance lies in its architectural interest as an example of a 16th century farmhouse and its historic interest due to possible links with the Sowerby Estate.

108. The immediate surroundings of the house and its associated farm complex together with surrounding agricultural land from where it can be seen and with which it has a current or historic association are elements of the setting that contribute to the significance. Whilst the proposal would change part of the farmhouse's wider agricultural setting as there is little visibility of the building from the site and no evidence before me showing historic or current association between the farmhouse and the site, I am satisfied it would not cause harm to the significance of this asset.
109. The Smithy is located opposite Crouchmoor Farmhouse at the junction of Lower Road/ Stony Lane and Wandon End Road. As a surviving 19th century Smithy it has some historic interest and has potential links to Crouchmoor Farm. There is no known historic association between the site and the building. Historic hedgerows would be reinstated in the vicinity of the building and would help to screen the proposal from view. As a result, I consider the proposed development would not cause any harm to the significance of this building.

iv) other heritage assets

110. Local residents highlighted that there are a number of other Grade II Listed Buildings in the wider area. The Council has not suggested that the appeal scheme would have any impact on the significance of these assets. Nothing I have seen, read or heard, leads me to a different conclusion.
111. It has been highlighted that a Listed Building in Breachwood Green had an application for solar panels on its garage roof rejected due to the impact on the setting of the Listed Building. However, the scale and nature of this is so different to the appeal scheme that it does not represent a direct parallel with the proposal. Neither is there any evidence before me to show that the appeal site forms part of the setting that contributes to the significance of this asset.

v) Heritage conclusion

112. The proposal would cause less than substantial harm in the middle of the scale to the three Listed Buildings in the Tankards Farm complex and at the lower end of the scale to the Windmill. In accordance with the Framework, I shall weigh this harm against the public benefits later in my decision.

Fire safety

113. Concerns have been raised by residents regarding the fire risks associated with the development, and in particular associated with the BESS. The appellant's evidence states that as of January 2025 there were 121 BESS sites in the country, with 8 having been decommissioned and a further 90 under construction. Compared to the number of operating hours of these, the number of BESS fires is very small, and they have not resulted in any damage to third party property or any fatalities. The Hertfordshire Fire and Rescue Service were consulted on the application and raised no objection to it.

114. The proposed development would have to accord with the relevant fire safety guidance, including guidance from the National Fire Chiefs Council and international standards. Two water tanks would be located on the site whose volumes would exceed that required in guidance. Bunds would be used to contain any firewater within the BESS enclosure so that it can be treated before being released. A condition would require the submission of a detailed Battery Safety Management Plan that would ensure the development would accord with all the latest safety codes, guidance and standards for BESSs.
115. Reference was made to a wildfire in 2022 that spread rapidly across a number of fields that form part of the appeal site, and which was understandably a very frightening and traumatic experience for local residents. However, the presence of the solar farm would not alter the propensity for wildfires to occur.

Glint and glare

116. The application was accompanied by a Glint and Glare Assessment that considered the potential effect on users of both the road and PRow network and residential occupiers and represents a worst-case scenario as it does not take account of amendments to the scheme that reduced the number of fields containing panels. The methodology and findings of this assessment were not disputed by the Council and there are no objections to the proposal from the airport or the Civil Aviation Authority, who were also consulted on the revised scheme.
117. Solar panels are designed to absorb rather than reflect as much light as possible. The assessment found that a small number of residential receptors could experience some glint effect, with the modelling showing this would be at most 1.8% of daylight hours when taking no account of existing and proposed screening. These effects, together with the short stretches of local roads where there is potential for glint to occur, would be mitigated through the existing and proposed planting in and around the site. The report also explains why significant impacts from glint and glare are not possible for users of the PRow network. As a result, it concludes it would not have any unacceptable impact on road or pedestrian safety, nor on the living conditions of local residents.
118. The assessment of glint and glare is a technical and complex process. Given this, and in the absence of any substantive evidence to the contrary, I accept the conclusions of this assessment that the proposal would not have an unacceptable impact in this regard.

Highways

119. Although, once operational trips to the site would be infrequent, more traffic would be generated during the construction and decommissioning phases. A temporary construction compound would be created that would be accessed from Wandon End Road. This is largely a single track road with passing places. The entrance to the compound would be close to where a PRow crosses the road, and to an agricultural equipment and machinery business that generates both HGV and other vehicular traffic movements. Whilst the proposal would, for a temporary period, increase the number of HGV movements, the latter shows that the proposed route to the construction compound can be used by HGVs without causing highway safety issues.

120. The application was accompanied by a Transport Statement and later addendums and a Construction Traffic Management Plan. These were reviewed by the highway authority both in terms of the highway and the PRow network, who raised no objections to the proposal. In the light of this, and in the absence of any substantive evidence to the contrary, I am satisfied that, subject to conditions, the proposal would not be detrimental to highway safety.
121. During the construction phase vehicles would need to cross PRows but ensuring this is done safely would be controlled by the condition requiring the submission of a Construction Environmental Management Plan. In the light of this I consider the proposal would not be detrimental to pedestrian safety either.

Flooding

122. The appeal site lies in Flood Zone 1 which is the lowest risk of flooding. Nonetheless it was highlighted by local residents that flooding occurs in the dip in Darley Road adjacent to the site and the wider area. The application was accompanied by a Flood Risk assessment, which was updated to take account of revisions to the scheme. The proposal would only marginally change the amount of impenetrable ground on the site and a system of linear swales and filter drains are proposed to manage surface water. These are intended to reduce the current unrestricted flow of water from the site and so the flood risk from the site would be likely to be reduced not increased by the proposal. The final design of the drainage system would be subject to a condition to ensure this remains the case.

Crime and disorder

123. It was suggested that the creation of hedging and fencing along footpaths would discourage the use of them due to an increased risk of crime resulting from the visual and physical containment. The proposed fencing would not immediately abut any footpath but would be set back behind the hedges and the PRows would be a minimum of 7m wide, so an overly "industrial" or enclosed character would not be created. Moreover, the relatively straight nature of most of the footpaths ensures good forward visibility.
124. Across the country, it is not uncommon for footpaths, which are often much narrower than 7m, to have hedges to either side and such characteristics do not appear to deter the use of them. Consequently, I am not persuaded that the proposed landscaping along the PRow would create an intimidating enclosed space that would make them unpleasant or unsafe routes to use.
125. Concern was raised that the CCTV cameras could result in a loss of privacy. However, a condition can be used to restrict viewing angles to prevent this.

Noise and Light Pollution

126. Whilst noting the comments from residents about the potential for noise disturbance from the operation of the solar farm, the appellant's noise assessment considered this, and concluded that there is a low likelihood of an adverse impact at the nearest residential properties. This assessment was reviewed by Council officers who raised no objections to the proposal. In the absence of any evidence to the contrary I have no reason to doubt the conclusion of the assessment and so I am satisfied the proposal would not have any unacceptable impact in this regard.

127. The acoustic assessment identified that the main noise associated with the solar farm would be linked to the electrical infrastructure: the inverters, DC converter and battery containers. These are largely set some distance from the PRow network. The assessment was considering the impact on the nearest residential properties rather than the PRowS. However, given its findings, and in the absence of any substantive evidence to the contrary, I am satisfied the noise created would not have a detrimental impact on users of the network.

128. Any noise and disruption during the construction period would be temporary and within normal working hours. The Construction Environmental Management Plan would control the hours of operation on, and deliveries to, the site as well as outlining other measures to mitigate the impact of the construction phase. Other than security lighting needed in emergencies, there is not proposed to be any external lighting and so the proposal would not cause light pollution.

Community Consultation

129. Whilst the Framework encourages early consultation with the community, there is no requirement for developers of solar farms of this size to do so. The appellant has set out the pre-application consultation they undertook which was in addition to the Council's own consultation on the application. This included leaflets being delivered to homes and businesses and a public exhibition. Although local residents may not have been happy with how this consultation carried out, I am satisfied people have had adequate opportunity to comment and this is reflected in the responses made by local residents to both the application and the appeal.

130. I note the various comments made by third parties regarding potential community benefits offered by the developer. However, these are not part of the planning system and so are not a matter which I have considered.

Property Prices

131. Although it has been argued that the scheme would result in a loss of property prices the PPG states that "[the courts] have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations³."

Other

132. It has been suggested that the proposal would set a precedent for more solar farm developments. However, the Alternative Site Assessment shows that within North Hertfordshire there is no available grid capacity and so the development of other solar farms would be impractical. Furthermore, there is no substantive evidence that the operation of solar farms result in the emission of radiation that can be harmful to public health.

Planning Balance and Conclusion

133. I have concluded that the appeal site constitutes Grey Belt land and that it would accord with the provisions of paragraph 155 of the Framework. It would therefore not be inappropriate development in the Green Belt. However, the proposal would

³ Paragraph Reference ID 21b-008-20140306

have a moderate adverse impact on both local landscape character and in terms of its visual effect and would be contrary to LP Policy NE2. I give moderate weight to these harms. In addition, the proposal would cause less than substantial harm to the setting of four Listed Buildings.

134. The Framework sets out a presumption in favour of sustainable development, and renewable energy development is central to achieving a sustainable low carbon future. The appeal scheme would make a significant contribution to this, and I give substantial weight to the contribution the proposal makes to renewable energy generation, addressing climate change and to improving energy resilience and security.
135. In addition, I give significant weight to the provision of a BESS and to the proposals use of available grid connection which means it would be able to start delivering energy within a short period of time. I also give significant weight to the biodiversity enhancements the scheme would provide and moderate weight to the economic benefits.
136. The Framework requires that where a proposal causes less than substantial harm to the significance of designated heritage assets, this harm should be weighed against the public benefits of the proposal. I attribute great weight to the potential harm to the Listed Buildings within the Tankards Farm complex and to the Windmill. However, I consider the contribution the scheme would make to the generation of clean and secure energy is a substantial public benefit, and together with the other benefits outlined above, would outweigh the less than substantial harm to the designated heritage assets.
137. I have identified that the proposal would conflict with policies in the LP and so would not comply with the development plan as a whole. However, I consider that the benefits of the proposal are material considerations of sufficient weight to outweigh the harms I have identified. Consequently, in this instance, this justifies allowing the appeal other than in accordance with the development plan.
138. For this reason, I therefore conclude the appeal should be allowed.

Conditions

139. The main parties agreed a set of suggested conditions that were discussed at the inquiry. This discussion led to a number of them being revised. I have considered these in the light of paragraph 57 of the Framework. The conditions include a number of pre-commencement conditions that the appellant has confirmed in writing are acceptable.
140. In addition to the standard implementation condition (condition 1), to provide certainty it is necessary to define the plans with which the scheme should accord (condition 2). Conditions 3 and 22 are reasonable and necessary to limit the period of the permission and to ensure the site is decommissioned either at the end of the permission or when energy generation ceases.
141. In the interest of the character and appearance of the area and to accord with LP Policies NE2, NE12, D1 and SP12, conditions 4, 10, 12, 14 and 15 are necessary. Conditions 10 and 14 need to be pre-commencement conditions: the former because it relates to work that needs to take place as part of the construction; and

the latter as it relates to works that need to be in place before construction starts to ensure the protection of existing trees and hedges.

142. To protect the living conditions of nearby residents and to accord with LP Policy D3, condition 5 is required. For the same reason and also in the interests of highway safety and to accord with policies D4, T1 and NE12 condition 6 is necessary. For reasons of highway and pedestrian safety, conditions 18, 19 and 20 are necessary. Conditions 6 and 18 need to be pre-commencement conditions: the former because it controls how construction works are carried out and the latter because it relates to the provision of the access that will be used during the construction period.
143. In the interests of biodiversity and to accord with LP Policies NE4, NE12 and SP12, conditions 7 and 11 are necessary. Condition 7 needs to be a pre-commencement condition as it controls how construction works are carried out. To prevent the risk of pollution, and in accordance with LP Policy NE11, condition 8 is necessary.
144. To protect and record any potential archaeological remains on the site and in accordance with LP Policies HE4 and NE12, condition 9 is necessary. It needs to be a pre-commencement condition as it relates to work that needs to be done before any construction work commences.
145. Condition 13 is needed to give effect to the intention of the proposal to retain an element of agricultural use. To protect soil quality and to accord with LP Policy NE12 condition 16 is required. This needs to be a pre-commencement condition as it affects how the construction is undertaken.
146. Condition 17 is required to ensure the site is properly drained and does not increase the risk of flooding and to accord with LP Policy NE8. This needs to be a pre-commencement condition as it relates to work that needs to be done before any construction work commences. To minimise the risk of fire and to accord with Policies D3 and NE12 of the LP, condition 21 is necessary.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Thea Osmond-Smith and Anna Stein Counsel instructed by EPL 002 Ltd

They called:

Mr Lee Morris BSc(Hons) PGDipLA MA PIEMA CMLI BwN Assessor	Managing Director and Co-Owner Tir Collective
Mr Matthew Sharpe BA(Hons) DipTP MRTPI	Senior Director Quod Planning Consultancy

FOR THE LOCAL PLANNING AUTHORITY:

Caroline Daly Counsel instructed by North Hertfordshire District Council

She called:

Mr Paul Reynolds BA(Hons) PGDip MA CMLI UDGRP FRSA	Director and Co-Founder Tapestry Urbanism Ltd
Mr Phillip Hughes BA(Hons) Dip Man MRTPI FRGS FRSA MCIM	Director PHD Chartered Town Planners

INTERESTED PARTIES:

Cllr Joe Graziano	Ward Councillor North Hertfordshire District Council
Mr Owen Connolly	Stop Wandon End Solar Action Group
Ms Victoria Chamberlain	Stop Wandon End Solar Action Group
Mr Tony Cross	Stop Wandon End Solar Action Group
Mr John Humphreys	Stop Wandon End Solar Action Group
Ms Danielle Swain	Stop Wandon End Solar Action Group
Mr Roger Lovegrove	Decarbonising Letchworth

INQUIRY DOCUMENTS

- INQ1 Updated Tables 1-3 from Appendix A of the appellant's Landscape Rebuttal
Proof of Evidence
- INQ2 Opening Statement by Council
- INQ3 Opening Statement by Appellant

- INQ4 Appellant's response to points raised in the Stop Wandon End Solar Action Group presentation
- INQ5 Errata to Mr Hughes Proof of Evidence
- INQ6 Copy of statement made by Cllr Graziano
- INQ7 Copy of statement made by Mr Lovegrove
- INQ8 Copy of Stop Wandon End Solar Action Group presentation notes
- INQ9 Information on Dane Street Solar Farm from Stop Wandon End Solar Action Group
- INQ10 Agreed Landscape Assessment of Effects Comparison Tables
- INQ11 Comments from Stop Wandon End Solar Action Group on suggested conditions
- INQ12 Closing Statement by the Council
- INQ13 Closing Statement by the Appellant

CORE DOCUMENTS

Can be accessed using the following link:

[Public inquiry for land north east of Wandon End | North Herts Council](#)

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Save to the extent any further details approved pursuant to Conditions [4 (External appearance), 10 (Detailed Landscape scheme), 17 (Surface Water Drainage Scheme), and 21 (Battery Safety Management Plan)], the development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans/drawings:
 - Site Boundary Plan (Ref: 262702/008), dated August 2023
 - Cable Route Boundary (Ref: 275304/007 Rev A) dated September 2023
 - Planning Layout Plan (Ref: 167-02-04), dated April 2024
 - Planting Plan (Ref: TOR-XX-XX-DR-L001 Rev L), dated April 2024
 - Biodiversity and Landscaping Plan (Ref: 167-02-05), dated April 2024
 - Enhanced Mitigation Plan (Ref: TC.100 v3) dated January 2025
 - Construction Compound Access Arrangements (Ref: 01-PHL-101) Rev D, dated February 2024
 - Preliminary Access Arrangements – Substation (Ref: 01-PHL-102) Rev B, dated February 2024
 - Access Route Plan (Ref: 167-01-12), dated February 2024
 - CCTV Detail (Ref: 167-02-11)
 - Security Fencing Detail (Ref: 167-02-13)
 - Inverter Station Detail (Ref: 167-02-15)
 - DC-DC Converter Detail (Ref: 167-02-16)
 - Framing Detail Panelled (Ref: 167-02-17A)
 - Framing Detail (Ref: 167-02-17B)
 - Framing Cross Section Plan (Ref: 167-02-17C)
 - Framing Details panelled (Ref: 167-02-17D)
 - Framing Detail – unpanelled (Ref: 167-02-17E)
 - Trench Details (Ref: 167-02-18)
 - Battery Container Detail (Ref: 167-02-20)
 - Spares Storage Container (Ref: 167-02-21)
 - DNO Switchgear (Ref: 167-02-40)
 - Inverter BESS Area (Ref: 167-02-40), dated April 2024
 - June 2023 Private Switch Gear (Ref: 167-02-14)
 - Water Storage Tank (April 2024) (Ref: 167-02-50)
 - Tree Protection Plan (Ref: GM12228-001 Rev F), dated February 2024
 - Tree location and constraints plan cable route (Ref: GM12228-008 rev A)
- 3) The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported to the electricity grid (the First Export Date). Written notification of the First Export Date shall be given to the local planning authority within 30 days of it happening.
- 4) Prior to their erection on site, details of the scale, layout, materials, colour and finish of the following shall be submitted to, and approved in writing by, the local planning authority:
 - BESS, inverters, and associated infrastructure
 - Solar panels and frames

CCTV poles and cameras

Ancillary buildings, equipment, and enclosures

The details shall be in general accordance with the Planning Layout Plan (April 2024) (Ref: 167-02-04). The development shall be carried out in accordance with the approved details and maintained as such for the lifetime of the development hereby permitted.

- 5) Prior to the installation of any CCTV cameras, details of measures to restrict the camera movements around the boundary of the application site to prevent viewing towards residential properties located in Tea Green, The Heath (including Mill Way), Greenacres and Darley Road shall be submitted to, and approved in writing by, the local planning authority. Thereafter, the CCTV cameras shall be installed and retained in perpetuity in accordance with the approved details.
- 6) No development (including ground and site preparation works, stockpiling, construction, and vehicle movements) shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority.

The CEMP must include, as a minimum, details of the following:

- a) A timetable for construction works;
- b) Parking provision for site operatives and visitor vehicles;
- c) The location(s) for the loading and unloading of plant and materials;
- d) Proposed access routes for construction traffic and how such traffic will be managed;
- e) The location(s) for the storage of all construction plant, equipment, and materials;
- f) Wheel washing facilities and any other cleaning measures to prevent the transfer of mud and debris being brought onto the public highway;
- g) Contractors' compounds and storage arrangements for cranes, plant, equipment, and related temporary infrastructure;
- h) The enclosure of the parts of the site and the erection and maintenance of any security hoarding;
- i) Signage (types and location) for directing construction traffic;
- j) Access/egress by emergency vehicles;
- k) Swept path for construction and operational vehicles;
- l) Measures to manage and minimise noise emissions;
- m) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- n) Details of construction hours and timings of deliveries; and
- o) Measures to protect Public Rights of Way and their users during the construction period.

All demolition, engineering, and construction works must be undertaken in accordance with the approved CEMP, which must be fully implemented and adhered to throughout the construction phase of the development.

- 7) No development shall commence (including ground and enabling works, and vegetation clearance) until a Biodiversity Construction Environmental Management Plan (Biodiversity CEMP) has been submitted to, and approved in writing by, the local planning authority.

The Biodiversity CEMP shall incorporate measures identified in Chapter 7 of the Environmental Statement by Terence O'Rourke Ltd dated December 2022 and shall, as a minimum, include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including protection from dust and debris;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person;
- h) Use of protective fences to protect retained habitats, exclusion barriers, and warning signs;
- i) Details of artificial lighting during construction;
- j) Details of the location for all storage of materials and parking and manoeuvring of vehicles during works;
- k) Details of how the site will be remediated and built without affecting surrounding habitats;
- l) Programme of pre-commencement checking surveys, including nesting birds, badger, barn owls, and updating aerial tree inspections for bats; and
- m) Measures to protect common amphibians, reptiles, and nesting birds, as well as badgers and hedgehogs.

The approved Biodiversity CEMP shall be implemented, operated, and adhered to throughout the construction period strictly in accordance with the approved details.

- 8) Any contamination 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 in writing by, the local planning authority and subsequently fully implemented prior to the First Export Date.
- 9) No development shall commence until an Archaeological Written Scheme of Investigation (WSI) has been submitted to, and approved in writing by, the local planning authority. The WSI shall include
 - a) The statement of significance and research objectives;
 - b) The programme and methodology of site investigation and recording;
 - c) The programme and timetable for post investigation assessment;
 - d) Provision to be made for analysis of the site investigation and recording;
 - e) Provision to be made for publication and dissemination of the analysis and records of the site investigation; and
 - f) Provision to be made for archive deposition of the analysis and records of the site investigation.

The WSI will be prepared and implemented by a suitably qualified professionally accredited archaeological practice.

The development shall take place in accordance with the programme of archaeological works set out in the approved WSI.

- 10) No development shall commence until a landscaping scheme has been submitted to, and approved in writing by, the local planning authority. The submitted scheme should be in accordance with the details illustrated on the Enhanced Mitigation Strategy Drawing TC.100 v3 and shall include detailed planting proposals, planting locations and dimensions, species, densities, sizes, mixes and protection for new planting areas, hard surfacing materials and a timetable for implementation.

The landscaping of the site shall take place in accordance with the approved details and implementation programme.

Any planting which within a period of five years of planting dies, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

- 11) 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. The LEMP shall include:
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Proposals for ecological enhancements for habitats and species;
 - d) Aims and objectives of management;
 - e) Appropriate management options for achieving aims and objectives;
 - f) Prescriptions for management actions;
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - h) Details of the body or organisation responsible for the implementation of the plan;
 - i) Ongoing monitoring and adaptive management measures; and
 - j) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery

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

The Development shall be implemented in accordance with the approved details and the management prescriptions shall be implemented across the site for a period to be agreed in the LEMP.

- 12) Prior to the First Export Date, a Landscape Management Plan including long term design objectives, maintenance schedules and a programme of management activities for landscape areas identified in the Landscaping Scheme, including the establishment and thereafter maintenance of hedgerows shall be submitted to, and approved in writing by, the local planning authority. The landscape management plan shall cover all existing vegetation within the site as well as any new planting and grassland implemented as part of the development. All vegetation within the site shall

be managed in accordance with the approved Landscape Management Plan for the full duration of the development hereby permitted.

- 13) Prior to the First Export Date, a Grazing Management Plan (GMP) shall be submitted to the local planning authority for approval in writing. The GMP shall confirm which parts of the site can be used for the grazing of livestock, during which months of the year, what livestock are to be grazed there, and it shall set out details of how the grazing is to be managed. Within three years of the First Export Date, the grazing of livestock shall be implemented on the site in accordance with the GMP. Any changes to the GMP during the lifetime of the permission shall be first submitted to the local planning authority for approval in writing prior to implementation on site and shall thereafter be carried out in accordance with the approved revised GMP.

- 14) No development shall take place until an arboricultural method statement has been submitted to, and approved in writing by, the local planning authority. The details shall include details of tree and hedge protection (in line with BS 5837:2012) identifying measures to protect trees and hedges to be retained during site preparation, construction, and landscaping works.

The Development shall be implemented in accordance with the approved details and the agreed measures shall be kept in place during the entire course of the construction phase.

- 15) 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. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition 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.

- 16) No development shall take place until a Soil Management Plan has been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details. The soil management plan shall include:

- a) Measures to protect soils during development with reference to the guidance found in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites;
- b) A works programme showing how all soil handling and trafficking operations will be undertaken and which makes allowance for poor weather/ ground conditions stoppages;
- c) Details of how construction activities will be managed across the site to minimise impact on soils;
- d) Details of appropriate equipment and methods for stockpiling, re-spreading and ameliorating of soil compaction in accordance with good practice techniques to minimise the risk of soil compaction; and
- e) Confirmation that any PV array cleaning methods would not harm the soil quality.

- 17) No development shall commence until construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement have been submitted to, and agreed in writing by, the local planning authority. This shall

be based on the Flood Risk Assessment and Drainage Strategy (Wardell Armstrong November 2023).

The Development shall be implemented in accordance with the approved details prior to the First Export Date and be retained as such for the lifetime of the development hereby permitted.

- 18) No development shall commence (other than works directly required for the delivery of the accesses referenced by this condition) until the vehicular access(es) have been provided and thereafter retained for the entire construction period at the position(s) shown on the approved plan(s) drawing numbers 01-PHL-101 Rev D and 01-PHL-102 Rev B. Surface water drainage shall be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

The accesses shall include provision to prevent surface water from discharging onto the existing highway in accordance with details previously approved in writing by the local planning authority and shall be constructed and thereafter maintained to prevent discharges before the accesses are brought into use.

Prior to the First Export Date the temporary construction sites access points at Wandon End Road shall be removed.

- 19) Prior to the accesses approved under condition 18 being brought into use visibility splay(s) shall be provided in full accordance with the details indicated on the approved plan numbers 01-PHL-101 Rev D and 01-PHL-102 Rev B. The splay(s) shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
- 20) Notwithstanding the details indicated on the submitted drawings, no development other than ground preparation works shall commence until a Permissive Path and Public Rights of Way Improvement Plan for the on-site Rights of Way improvement works (and works access during the construction phase) has been submitted to and approved in writing by the Local Planning Authority.

Within 3 months of the First Export Date the Rights of Way Improvement Plan works (including any associated highway works) referred to the first paragraph of this condition shall be completed to the written satisfaction of the local planning authority and retained as such thereafter.

- 21) Works to form the Battery Energy Storage infrastructure shall not commence until a Battery Safety Management Plan (BSMP) has been submitted to, and approved in writing by, the local planning authority. The BSMP will include details of battery management, fire suppression systems, fire hydrant provision, water supply, maintenance and emergency access to ensure any fire risk is minimised. The BSMP will demonstrate consideration of the National Fire Chiefs Council guidance in accordance with National Planning Policy Guidance and any relevant Fire Protection Association guidance. An Emergency Response Plan will also be provided to Hertfordshire Fire and Rescue Service and the Local Planning Authority that summarises the installed battery system characteristics, layout, and electrical isolation procedures.

The Development shall be implemented in accordance with the approved details prior to the Battery Energy Storage Infrastructure being brought into use and retained as such thereafter.

- 22) Within 3 months of the development ceasing to generate electricity for a period of 12 months (other than for operational reasons outside the operator's control), or within a period of 39 years following the First Export Date, a Scheme for the decommissioning of the solar farm and its ancillary equipment, and how the land is to be restored, shall be submitted to the local planning authority for its written approval. The scheme shall include, but not be limited to the following:
- a) a programme for the completion of the decommissioning and restoration works;
 - b) details of the removal of the solar panels and associated above ground infrastructure approved under this permission;
 - c) the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period;
 - d) an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and
 - e) details of site restoration measures.

The solar farm and its ancillary equipment shall be dismantled and removed from the site and the land restored in accordance with the approved Scheme and timescales set out therein.

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