

NORTH HERTFORDSHIRE DISTRICT COUNCIL



7 November 2025

Our Ref Planning Control Committee 20 November 2025
Contact. Committee Services
Direct Dial. (01462) 474655
Email. committee.services@north-herts.gov.uk

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, 20TH NOVEMBER, 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 - 23 OCTOBER 2025	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 23 October 2025.	(Pages 5 - 16)
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. 25/00886/FP REED HOUSE, JACKSONS LANE, REED, ROYSTON, HERTFORDSHIRE, SG8 8AB	REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Erection of 14 dwellings and associated infrastructure	(Pages 17 - 38)

7. **25/00571/FP LAND NORTH OF, MILKSEY LANE, GRAVELEY, HERTFORDSHIRE** (Pages 39 - 76)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of 24 dwellings including creation of vehicular access off High Street, associated parking, drainage, amenity space and landscaping

8. **25/01658/RM 66 PARK LANE, KNEBWORTH, HERTFORDSHIRE, SG3 6PW** (Pages 77 - 90)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Reserved matters (appearance, landscaping, layout, scale and internal access) for the erection of 9 dwellings with associated landscaping, parking and amenity space pursuant of outline permission 23/02946/OP granted 19.06.2025.

This page is intentionally left blank

Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY, SG6 3JF
ON THURSDAY, 23RD OCTOBER, 2025 AT 7.00 PM

MINUTES

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

In Attendance: *Peter Bull (Project Officer), Faith Churchill (Democratic Services Apprentice), Ben Glover (Senior Planning Officer), Shaun Greaves (Development and Conservation Manager), Sarah Kasparian (Senior Planning Officer), Susan Le Dain (Committee, Member and Scrutiny Officer), Edward Leigh (Senior Transport Policy Officer), James Lovegrove (Committee, Member and Scrutiny Manager) and Stephen Reid (Locum Planning Lawyer).*

Also Present: *At the commencement of the meeting approximately 38 members of the public, including registered speakers.*

Councillors Elizabeth Dennis, Daniel Wright-Mason, Tim Johnson and Matt Barnes were in attendance as Member Advocates.

70 APOLOGIES FOR ABSENCE

Audio recording – 1 minutes 27 seconds

Apologies for absence were received from Councillors Bryony May and Martin Prescott.

Having given due notice Councillor Steve Jarvis substituted for Councillor May and Councillor Claire Strong substituted for Councillor Prescott.

71 MINUTES - 18 SEPTEMBER 2025

Audio recording – 1 minute 52 seconds

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

RESOLVED: That the Minutes of the Meeting of the Committee held on 18 September be approved as a true record of the proceedings and be signed by the Chair.

72 NOTIFICATION OF OTHER BUSINESS

Audio recording – 21 minutes 38 seconds

There was no other business notified.

73 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 42 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 confirmed the procedure for moving to debate on an item.
- (5) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.
- (6) The Chair confirmed the cut off procedure should the meeting proceed at length.

74 PUBLIC PARTICIPATION

Audio recording – 5 minutes 10 seconds

The Chair confirmed that the registered speakers were in attendance.

75 21/00765/OP LAND OFF BARKWAY ROAD AND NORTH OF FLINT HALL, BARKWAY ROAD, ROYSTON, HERTFORDSHIRE

Audio recording – 5 minutes 53 seconds

N.B. Councillor Ruth Brown declared an interest in this item due to her role as a Royston Town Councillor but confirmed that she had received a dispensation from the Monitoring Officer for this item only. She would therefore remain in the Council Chamber for consideration of this item.

N.B. Councillor Ruth Brown further declared that she was a Hertfordshire County Councillor, however following discussions with the Monitoring Officer previously, it was deemed that this was not an interest to prevent participation.

The Project Officer provided a verbal update on matters relating to Application 21/00765/OP and advised that:

- There had been a few additional matters set out in the addendum to the main report.
- An objection from Councillors Matt Barnes, Ruth Clifton and Tim Johnson was received in response to the re-consultation advice which had been omitted from the main report regarding technical matters and some general queries.
- The existing highways issues on Barkway Road were localised.
- The traffic survey held in December 2024 was deemed by the Highway Authority to be adequate.
- Traffic on Barkway Road was not free flowing at peak times, but the additional delays were not considered by the Highway Authority to have an impact on this.
- It could now be confirmed that Royston Town Council were not opposed to the routing of active travel through Green Walk Plantation.
- The published report and addendum set out potential additional highway mitigation measures.

- The Conservators of Therfield Heath and Greens had written a further letter withdrawing their request for mitigation and requesting that their application be refused in the absence of requested funding. This letter was available on public access system of the Council. If the Conservators did not accept the Section 106 contribution, the mitigation strategy would need to be amended.
- The addendum was an outline application with all matters reserved apart from the means of access.
- Members were considering an in-application Masterplan as part of the proposal, details of this were set out in informative part of the report.

N.B. Councillor Steve Jarvis entered the Chamber at 19:18.

The Chair confirmed with Councillor Steve Jarvis that as the item had been started, he would be unable to participate due to his late arrival.

The Project Officer then presented the report in respect of Application 21/00765/OP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Louise Peace
- Councillor Claire Strong
- Councillor Ruth Brown
- Councillor Tom Tyson
- Councillor Val Bryant

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

- The Highways Objection in 2022 had been withdrawn because they were satisfied that the solution reached to change the red line boundary to reach Shrubbery Grove was in accordance with the Local Transport Plan.
- The additional traffic modelling had shown there was no impact to the junction but did not advise on the effect of traffic from Barkway Road.
- Conversion of the existing level crossing was proposed to improve the junction and to make it more accessible to pedestrians.

In response to a question from Councillor Claire Strong, the Committee, Member and Scrutiny Manager advised that under the Planning Code of Good Practice, a Member could not take part in debate or vote at a meeting when they had not been present at the meeting when the item had previously been discussed. Therefore, as Councillor Strong was not present at the meeting on 4 September 2025, when the item was initially considered, she would be unable to participate in this item.

In response to questions, the Project Officer advised that:

- It was a matter for the Applicant and not the Highways Authority to build a cycle route through the Green Walk Plantation.
- The developers would be building the eastern phase of the development first and the cycle way would be part of the later western phase.
- The mitigation cost of £350 per dwelling had been adopted as a reasonable amount using advice in the mitigation strategy.
- Affordable housing did not currently require social rent.
- Discussions with Sport England following the meeting on 4 September had resulted in a reduction to the amount required from the developer towards the cricket pitch.

In response to questions, the Locum Planning Lawyer advised that covenants were not a material planning consideration.

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

- The proposal to refuse this application had been deferred to allow the developer time to provide more evidence on traffic issues which they had failed to provide.
- The developer had still not provided evidence that this site was sustainable.
- The developer had not undertaken the proposed microsimulation for analysis due to the cost.
- There would be 197 cars leaving the site at peak times which was not sustainable.
- 98% of these 197 cars would drive down Barkway Road causing the traffic congestion to become severe.
- Hertfordshire County Council Highways Authority have recognised this but say it would only cause moderated harm to the area.
- The steep gradient of the hill remained unaddressed
- Would the committee accept the 450 plus objections from local residents who knew the area, or the word of the developer.
- This application contravened policies 5 and 6 of the Local Transport Plan.

There were no points of clarification from Members.

The Chair thanked Mr Jameson for his presentation and invited the second Public Objector, Mr Oliver Neaves to speak against the application. Mr Neaves thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This application had been deferred to allow the Applicant time to provide further traffic modelling so Members could fully understand the situation.
- The committee was left without the requested and necessary information required to determine whether the impact would cause severe harm as detailed in paragraph 116 of the National Planning Policy Framework (NPPF).
- Junction modelling showed that the traffic problems in Barkway Road and the A10 gyratory would still exist.
- Microsimulation software should have been used for an accurate assessment and was not expensive.
- The Strand 2 contribution was calculated using 2019 rates rather than index linked 2024 rates, which had resulted in the approximate £850K shortfall.
- The Applicant had failed to submit further modelling requested by the committee.
- The effect on highway network will be severe.
- This application failed to meet the requirements of the NPPF and should be refused under grounds of paragraphs 115d and 116 of the NPPF.

There were no points of clarification from Members.

The Chair thanked Mr Neaves for his verbal presentation and invited the third Public Objector, Ms Julie Dunthorne to speak against the application. Ms Dunthorne thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This unallocated site was beyond the settlement boundary and fell to be judged against the NPPF having regard to the development plan.
- A critical issue was that the site was not in a sustainable location.
- The application conflicted with four broad policy areas of the Local Plan

- The site was inaccessible to key services and facilities by sustainable travel contrary to SP6B.
- The application failed to meet the threshold under SP9Ci and could not demonstrate transport systems were viable.
- GIS gradient mapping confirmed a 43-metre level change from the top of site to bottom of Barkway Road which was a gradient of 1 in 10 in parts.
- The section 106 contributions for Strand 2 Sustainable Transport were not compliant with policy SP7 sub paragraph C, which required refusal in such cases.
- Potential highways impact and safety risks were not accounted for contrary to paragraphs 115-118.
- Para 195 of the NPPF did not apply as the projects habitat had not been assessed.
- The adverse effects arising from cumulative impacts and with the loss of open countryside contrary to para 11D of the NPPF the application should be refused.

In answer to a point of clarification from Councillor Ruth Brown, Ms Dunthorne confirmed that under sub paragraph C of policy SP7 of the Local Plan, an application should be refused when section 106 contributions had not been met and there was a shortfall of £900K.

The Chair thanked Ms Dunthorne for her verbal presentation and invited the Member Advocate Objectors, Councillors Matt Barnes and Tim Johnson to speak against the application. Councillors Barnes and Johnson thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The technical note provided by the Applicant still failed to address the court issue with this development.
- No adequate modelling had been carried out on Barkway Road and adding 280 houses at the top of the hill would have a significant impact in this location.
- There was nothing in the updated documents that addressed the major problem of parked cars along Barkway Road and 98% of journeys would travel along this route.
- There was no evidence that an appropriate assessment on a habitat site had been carried out and considering the impact on Therfield Heath Site of Special Scientific Interest (SSSI) under Para 195 of the NPPF, the tilted balance should not be considered in this case.
- Impact on SSSI was a material consideration on this site and failure to mitigate the harm posed provided a reason for refusal.
- This application conflicted with the NPPF guidelines on sustainable travel.
- No agreement was recorded as being found for the Green Walk Plantation access on the west side of this development.
- Incorrect traffic modelling had been used for Barkway Road and the A10 gyratory system.
- The application was outside the Local Plan and should be refused.

Following a point of clarification from Councillor Ruth Brown, Councillor Matt Barnes advised that a tilted balance should not be considered when a plan was likely to have a significant effect on a habitat site unless an appropriate assessment was carried out as detailed in paragraph 195b of the National Planning Policy Framework (NPPF).

The Chair thanked Councillors Barnes and Johnson for their verbal presentations and invited the Agents to the Applicant, Ms Katherine Else and Mr Chris Holdup to speak in support of the application. Ms Else and Mr Holdup thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- When this application was deferred in September Members asked for firm evidence on four key issues.
- These key issues were responded to in technical note 008 which was submitted on 15 September.

- Hertfordshire County Council Highway Authority carried out its own independent review and the final consultation response dated 3 October showed there was no new information that would affect the previous recommendation.
- The Highway Authority do not want to restrict the application subject to agreed £1.56million section 106 contributions.
- Sustainable transport connections were reviewed again in technical note 008 and it was confirmed that all the cycle and bus routes would enable residents to travel safely.
- Para 116 of NPPF was clear in that permission should only be refused on highway grounds if the harm impacts are severe which was not the case with this application.
- Every transport issue raised in September has been answered and verified.
- This scheme would deliver major investment and more sustainable travel for Royston.

The following Members asked points of clarification:

- Councillor Ruth Brown
- Councillor Louise Peace

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

- Phasing of the development had been set out to follow the active travel route that would be provided by the Highways Authority, Hertfordshire County Council.
- The Applicant would be working with authorities to meet the requirements for an improved bus service.
- The Strand 2 contribution had been approved by Hertfordshire County Council.
- It was part of the planned works to provide a new footpath to Grange Bottom.
- The new cycle route through Greenway Plantation would be a benefit to the whole of Royston.

In response to points raised in the verbal presentations, the Senior Transport Officer advised that:

- The Strand 2 contribution amount quoted in the report would be subject to change as it was index linked.
- The Strand 2 contribution could be used at the discretion Hertfordshire County Council to secure the bus service on Barkway Road.
- Although it would be possible to access the bridleway where the two pieces of land crossed, this was a recreational route and not suitable for travel to work.
- The existing traffic problem on Barkway Road would not be considered a severe impact as detailed in paragraph 116 of the National Planning Policy Framework (NPPF).

In response to points raised in the verbal presentations, the Development and Conservation Manager advised that:

- The tilted balance was not disengaged by paragraph 195 of the National Planning Policy Framework for this application.
- Natural England were satisfied subject to a recreation strategy which was conditional.
- Prospects on appeal was not a material planning consideration. The National Planning Practice Guidance sets out advice on how planning authorities should consider costs on appeal.
- This cost regime encouraged local authorities to rely only on reasons for refusal which would stand up to scrutiny.
- The applicant would be entitled to appeal against the refusal of planning permission and make a cost application against the Council if it was considered that the Council had acted unreasonably.
- Members should only decide to vote against the advice from Officers in exceptional circumstances.

Councillor Nigel Mason proposed to grant permission, and this was seconded by Councillor Emma Fernandes.

The following Members took part in the debate:

- Councillor Ruth Brown
- Councillor Dave Winstanley
- Councillor Ian Mantle
- Councillor Louise Peace
- Councillor Val Bryant
- Councillor Tom Tyson
- Councillor Nigel Mason

Points raised during the debate included:

- This site was outside the Local Plan and outside the settlement boundary.
- Access would have to be by car making sustainable travel impossible.
- Sites must be able to be accessed by active travel routes.
- This did not meet the appropriate criteria for housing sites in North Herts.
- The titled balance was the only reason to support this application.
- There needed to be realistic planning reasons for rejecting this application.
- The requested traffic information following the last meeting had not been received and the data was still unreliable.
- Due to the shortage of housing, Members would have to demonstrate that the harm of this application outweighed the benefits to refuse the application.

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

Councillor Ian Mantle proposed to refuse planning permission on the grounds that it was contrary to policy and that it was inadequate in provision of alternative means of access other than cars. Councillor Ruth Brown seconded this motion on the grounds that it was a site outside of the Local Plan and outside the settlement boundary.

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

RESOLVED: That application 21/00765/OP be **REFUSED** planning permission for the following reasons:

- a) The site, if developed, would fail to provide adequate opportunity for travel by residents and visitors by non-car transport modes and would therefore be contrary to paragraphs 110, 115 and 116 of the NPPF and adopted North Hertfordshire Local Plan policy SP9.
- b) The site was not an allocated housing site within the adopted North Hertfordshire Local Plan and was located outside the settlement boundary of Royston and within the rural area beyond the Green Belt. It was therefore in conflict with policies SP5 and CGB1 of the adopted North Hertfordshire Local Plan.

N.B. Following the conclusion of this item, there was a break in proceedings at 20.56 and the meeting reconvened at 21.07.

76 24/02780/RM LAND NORTH OF HIGHOVER FARM TO STOTFOLD ROAD, HIGHOVER WAY, HITCHIN, HERTFORDSHIRE

Audio recording – 2 hours 4 minutes 40 seconds

N.B. Councillor Nigel Mason declared an interest and left the Chamber and did not take place in the debate or vote. The Vice-Chair, Councillor Emma Fernandes, chaired the item.

The Senior Planning Officer provided a verbal update on matters relating to Application 24/02780/RM and advised that:

- There were no further updates for Members.
- No objections had been received from the Highway Authority or the Lead Local Flood Authority (LFFA) on any detail of the plans.

The Senior Planning Officer then presented the report in respect of Application 24/02780/RM accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Dave Winstanley
- Councillor Ruth Brown

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

- The design of the road caused the carriageway narrowed from two lanes to one lane as illustrated in one of the slides in the presentation.
- The Sustainable Drainage Systems (SuDS) would be attractive, with two ponds in the northern corner, one with a level of water and one without.
- The swales would be green and usable.

In response to questions the Senior Transport Officer advised that:

- This application was for groundworks, not for the infrastructure that would make the bus gate open.
- There was expectation that a camera would be installed in the spine road after correct procedure was followed and Hertfordshire County Council would have the power to enforce penalty charges for vehicles that passed through that were not buses.

The Chair invited the Public Objector, Mr Richard Wilcox to speak against the application. Mr Wilcox thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- At that Planning Committee held in July 2023 a decision was taken to defer this item to allow for more traffic data to be gathered.
- In September 2023 a weeklong traffic survey was carried out, but this data was not shared.
- In a transport note provided for the planning meeting councillors were given a report showing old data related from manual counts which indicated that traffic flows were in decline.
- Numerous reasons were given for why data was not provided, including that it wasn't ready and that traffic data wasn't material to the outline decision.
- The Department for Transport does have a count point on the Cambridge Road but the data was not from manual counts as it was estimated.

- The Department for Transport figures were robust and reported as national statistics, but traffic estimates for individual roads were less robust as they were not always based on up-to-date counts.
- The response received in August was specifically referenced to this Department for Transport data.
- Therefore, a decision was made to approve this application where traffic data had been falsely represented and other pertinent data had been withheld.

There were no points of clarification from Members.

The Chair thanked Mr Wilcox for his presentation and the Member Advocate Objectors, Councillors Elizabeth Dennis and Daniel Wright-Mason to speak against the application. Councillors Dennis and Wright-Mason thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This was the first development of this scale in North Hertfordshire for decades.
- They were reflecting the concerns of the Walsworth residents which were most directly affected.
- It should be considered that the bus gate would only work if it was used by buses.
- Since the floods in September and November 2024 the flood risk evidence had been updated.
- In the interests of the public, the developer should provide a drop-in session for residents to keep them informed.
- The infrastructure of the main spine road and the facilities around it did amount to necessary highway and service infrastructure.
- The layout was a matter considered within reserved matters applications.
- The way the traffic routes in development were situated did include the main spine road.
- The bus route was essential to ensure that policies 3 – 10 of the local transport policies of Hertfordshire County Council were complied with.
- The Council needed to be critically aware of child safety in that part of the spine road.
- Condition 17 which in the outline permission, was discharged on 17 October based on the bus design.
- The inclusions of electrical ducts to detect number plates had not been taken forward by the Highways Authority.

There were no points of clarification from Members.

The Chair thanked Councillors Dennis and Wright-Mason for their verbal presentations and invited the Applicant's Representative, Mr Mark Osborn to speak in support of the application. Mr Osborn thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This was the first phase of the development following approval of the outline permission in November 2024 for 700 new homes.
- The infrastructure in place was to provide a coordinated and sustainable solution.
- No objections had been received from all relevant authorities.
- The bus gate principles were agreed with Hertfordshire Country Council and had been cemented through the discharge of condition 17.
- The drainage strategy would channel water to the northern corner of the plot and this had been designed to accommodate 40% climate change.
- Foul drainage would disperse through a pumping station with timed discharge to the Anglian water network via Stotfold Road to the east.
- A public consultation was held in Hitchin in June 2025 where residents were updated on progress with the development.
- The developer had met with the Hitchin Forum in July 2025.

- A further detailed design reserved matters application would be submitted by the end of the month for phase 1 of the development, detailing the site and landscaping and open spaces.
- Details around the main public square had been delayed until later phases to work with Hertfordshire County Council to integrate the school design into this key space.
- This development would bring the much-needed new housing supply to the district with 40% of affordable housing.

The following Members asked points of clarification:

- Councillor Emma Fernandes
- Councillor Claire Strong

In response to points of clarification, the Applicant's Agent advised that public consultations would be held in each phase of the development.

In response to a point of clarification, the Senior Transport Policy Officer advised that:

- There was a process that would have to be followed with bus route signage and if it was demonstrated that people were abusing the traffic order, then the Highways Authority could enforce a camera.
- The bus service was designed by Hertfordshire County Council as a new service which would stop on Stotfold Road before entering the site and it could turn around in the site.
- This would be a new bus service along the Stotfold Road which would expand to serve the whole of the site as it was built.

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

The following Members took part in the debate:

- Councillor Ian Mantle
- Councillor Claire Strong
- Councillor Dave Winstanley
- Councillor Val Bryant

Points raised during the debate included:

- This application had been accepted at the masterplan stage.
- This was one of the strategic sites in the Local Plan and needed to be moved forward.
- It would be beneficial to have the camera installed at the start of the project rather than at a later stage.
- There was already a bus service in place along the Stotfold Road.

In response to points raised during the debate, the Senior Transport Policy Officer advised that installation of a camera was a matter for the Highways Authority and not the Council. Highways were required to follow the correct procedure and demonstrate the need for a camera before one could be installed.

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

RESOLVED: That application 24/02780/RM be **GRANTED** planning permission subject to the conditions set out in the report of the Development and Conservation Manager and the delegation of authority to the Development and Conservation Manager to update conditions and information with minor amendments as required.

N.B. Councillor Nigel Mason returned to the Chamber at 21:50.

77 25/02234/S73 LAND BETWEEN ROYSTON ROAD AND CAMBRIDGE ROAD, BARKWAY, HERTFORDSHIRE

Audio recording – 2 hours 50 minutes 40 seconds

The Senior Planning Officer provided a verbal update on matters relating to Application 25/02234/S73 and advised that:

- The applicant had agreed to the pre commencement conditions.
- An amendment had been made to point a) to include legal mechanism wording.
- The additional condition 4 had been agreed by the Applicant.
- No objections had been received from the Highways Authority or from the Lead Local Flood Authority (LFFA).

The Senior Planning Officer then presented the report in respect of Application 25/02234/S73 accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Louise Peace
- Councillor Claire Strong

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

- The original condition 3 was restrictive and had therefore been amended to be in accordance with the details which formed the basis of the application.
- A Masterplan Compliance Statement would be submitted for condition 4 which would provide explanation of how it would accord with the masterplan and that any variation would require justification.
- The original masterplan was predated from 2018.

In response to questions, the Local Planning Lawyer advised that:

- The original section 106 agreement did not include a Section 73 clause.
- It was critical to ensure that any amended condition was dealing with the legal mechanism to protect the original Section 106 agreements.

The Chair invited the Applicant's Representatives, Mr Andrew Hodgson and Ms Alice Kirkham to speak in support of the application. Mr Hodgson and Ms Kirkham thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Mr Hodgson was a representative from Redrow homes.
- This Section 73 (S73) application followed the withdrawal of the previous S73 application.
- No changes were being made to the original plans.
- The new condition 4 was being imposed to comply with the masterplan document.
- Condition 20, from the 2018 agreement, related to surface water and a more appropriate solution had been prepared and agreed.
- Amendments in this application were to address the original restrictive wording of condition 3.
- The changes only related to the conditions amended and were not part of the scheme.

There were no points of clarification from Members.

Councillor Nigel Mason, as Chair, proposed to grant permission and this was seconded by Councillor Dave Winstanley and, following a vote, it was:

RESOLVED: That application 25/02234/S73 be **GRANTED** planning permission subject to the conditions set out in the report of the Development and Conservation Manager, amended as follows:

- a) The completion of a satisfactory Deed of Variation or other legal mechanism that secures the S106 obligations agreed as part of the Outline Application (18/01502/OP) and the applicant agreeing to extend the statutory period to complete it, if required.
- b) Delegation of power to the Development and Conservation Manager to:
 - (i) Resolve any outstanding matters,
 - (ii) Update conditions and informatives with minor amendments as required and,
 - (iii) Authorise the completion of other legal mechanism if not completed through a satisfactory Deed of Variation.

78 APPEALS

Audio recording – 3 hours 8 minutes 10 seconds

The Development and Conservation Manager presented the report entitled 'Planning Appeals' and advised that:

- There had been two appeals lodged.
- One appeal decision had been dismissed and the other one had been partly allowed in relation to the front access path.

The meeting closed at 10.12 pm

Chair

<u>Location:</u>	Reed House Jacksons Lane Reed Royston Hertfordshire SG8 8AB
<u>Applicant:</u>	David & Sally Tait
<u>Proposal:</u>	Erection of 14 dwellings and associated infrastructure
<u>Ref. No:</u>	25/00886/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 19th September 2025

Extension of statutory period: 28th November 2025

Reason for Delay: Negotiations, awaiting consultation responses and in order to present the application to an available committee meeting.

Reason for Referral to Committee: Residential development on a site in excess of 0.5 hectares (see paragraph 8.4.5 (a) of the Council Constitution)

1.0 **Planning Policy**

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

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP6: Sustainable Transport
Policy SP7: Infrastructure requirements and developer contributions
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP10: Healthy Communities
Policy SP11: Natural Resources and Sustainability
Policy SP12: Green Infrastructure, Landscape and Biodiversity
Policy SP13: Historic Environment
Policy HS3: Housing mix
Policy T1: Assessment of Transport Matters
Policy T2: Parking
Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
Policy NE1: Landscape
Policy NE2: Green Infrastructure
Policy NE4: Biodiversity and geological sites
Policy NE7: Reducing Flood Risk
Policy NE8: Sustainable Drainage Systems
Policy NE10: Water Framework Directive and wastewater infrastructure

Policy HE1: Designated Heritage Assets
Policy HE4: Archaeology

National Planning Policy Framework (NPPF) (December 2024)

Section 2: Achieving sustainable development
Section 4: Decision making
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

Supplementary Planning Guidance

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

Sustainability SPD (2024)

Reed Neighbourhood Plan

There is no Made Neighbourhood Plan for the Parish of Reed.

2.0 Relevant site history

- 2.1 04/01397/1: Outline application for the erection of 24 detached and terraced dwellings with garaging, open space, estate road and formation of vehicular accesses onto Jackson's Lane and The Joint (Design, external appearance and landscaping reserved). Refused on 30th September 2004.
Dismissed on appeal 27th April 2005.
- 2.2 11/02254/1: Erection of 13 dwellings (outline application - appearance, landscaping and scale reserved). Refused 25.11.2011
Dismissed on appeal 22nd August 2012.
- 2.3 13/01999/1: Erection of 13 dwellings and a business / I.T building (outline application - appearance, landscaping and scale reserved) Refused 28th March 2014.
Dismissed on appeal 4th March 2015
- 2.4 15/02724/1: Erection of 14 dwellings and associated infrastructure. Refused 22nd February 2016.
Dismissed on appeal 3rd August 2016.
- 2.5 Adjacent site history
- 2.6 Mill Corner Farm lies immediately adjacent to part of the western boundary of the site. Relevant planning history for this site includes the following:
- 2.7 20/01605/PIP: Permission in Principle: Erection of seven dwellings. Refused 18th September 2020.

Dismissed on appeal 17th February 2021

3.0 **Representations**

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

Note: Discussions are on-going between the applicant and the Flood Authority and it is expected that additional information will be submitted in due course.

- 3.2 **HCC Highways** – Raises an objection on the following grounds:
- 1.The application has failed to demonstrate how the proposed development will comply with the policies contained in the current Local Transport Plan (LTP4) and National Planning Policy Framework (NPPF-2024).
 - 2.The proposal failed to address how pedestrians/cyclists will travel from site to key services via Jackson's Lane and The Joint
 - 3.No surface level pedestrian's crossing on Jackson's Lane is proposed
 - 4.No improvement to the existing bus stop on Brickyard Lane is offered
 - 5.No Delivery and Service plan is provided.
 - 6.No construction traffic management is provided
 - 7.Substandard access arrangement as shown on the drawing (Ref-S1017 - PL25.P2)

Advises that the proposals are therefore contrary to LTP4 and the NPPF .

- 3.3 **HCC Archaeology** – no objection subject to archaeological conditions.
- 3.4 **NHDC Conservation Officer** – Advises an objection on the basis that the proposal will fail to satisfy the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.
- 3.5 **NHDC Environmental Health** – Recommends conditions.
- 3.6 **HCC Ecology officer** - Any response will be reported at the meeting
- 3.7 **NHDC Housing Officer** – Advises that the proposed affordable housing should be distributed around the site (rather than on one part) and physically indistinguishable from any market housing. Internal layout not suited to homeworking. To meet the Council's housing needs all the rented units must be set at Social Rents to ensure affordability and all rents must be within Local Housing Allowance (LHA) rates, in accordance with the Local Plan, the Council's Tenancy Strategy and the Developer Contributions SPD.
- 3.8 **Natural England** – Advises no objection subject to appropriate mitigation being secured to manage the recreational pressure on Therfield Heath Site of Special Scientific Interest (SSSI)
- 3.9 **Conservators of Therfield Heath and Greens** – Requests a financial contribution towards management measures to mitigate visitor impact on Therfield Heath SSSI
- 3.10 **HCC Footpaths and Rights of Way unit** – Advises that footpath 013 must not be obstructed during development and if necessary a temporary closure order sought from HCC.

3.11 **Reed Parish Council:** Objection – raising the following detailed points

1. Housing growth in Reed:

Reed has already experienced a 10.5% increase in dwellings since 2011. It is Foreseen that a further 22 dwellings will be built on allocated site RD1. If this proposal were allowed additionally, it would amount to a 25% increase on 2025 numbers, which would be unsustainable and incompatible with the Local Plan.

2. The RD1 allocated site:

The application site is not an allocated site in the adopted Local Plan. Reed already has an allocated Local Plan site, RD1, which provides for up to 22 dwellings (including affordable housing). Combined with existing growth since 2011, further housing on the application site, which is outside the SP2 settlement boundary, would be unsustainable expansion.

3. The Settlement Boundary, Heritage and Character of Reed:

The proposed development would be outside the SP2 settlement boundary, contrary to the Local Plan and NPPF, and not spatially integrated with the rest of Reed. This would cause significant harm to Reed's historically evolved and distinctive settlement pattern. This is a heritage asset that the SP2 settlement boundary and the conservation area are designed to preserve. Its location would also set a precedent, giving rise to irreparable harm to the settlement pattern that the Local Plan and NPPF seek to protect.

4. The Local Plan and Prematurity:

The Local Plan remains current and material. The present application pre-empts the ongoing Local Plan review. The application should therefore be rejected as premature. The Local Plan remains in effect, and full weight should be given to the policies adopted under it, including SP2.

5. Impact on the landscape and countryside:

The proposal would adversely affect the landscape setting of Reed, in particular the open character of the Chiltern Ridge.

6. Traffic and Highways issues:

The development would increase traffic and highway safety risks on The Joint, a narrow, de-restricted, unclassified road that is already in poor condition.

7. Five-year Housing Supply:

The District's housing supply deficit does not justify inappropriate development outside the settlement boundary. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

8. Provision of Affordable Housing:

The affordable housing offered is unclear in quantum and would in any event be delivered by the allocated RD1 site within the Reed SP2 settlement boundary.

9. "Brownfield" status:

The previously developed, "brownfield" designation of the site is technically arguable but materially misleading.

- 3.12 **HCC Growth & Infrastructure** : Advises that HCC will be seeking financial contributions to relevant HCC services (see paragraph on S106 obligations below).
- 3.13 The application has been advertised with site and press notices and neighbour notification letters. 26 responses have been received (with 25 objecting and 1 supporting) in response to the publication of the application. The details are published on the Council's web site.

Comments against the proposal include:

1. Proposed development is outside of the village boundary contrary to the Local Plan
2. Already a significant increase in housing in Reed
3. Contrary to the rural character of the village.
4. Scale, density and suburban style disproportionate to the character of Reed
5. Adverse impact on heritage assets
6. Would set a precedent for more development in the village area
7. Detrimental to highway safety
8. Would not integrate well with the village
9. Lack of sustainable transport
10. Lack of local infrastructure to support the development
11. Cycle path would spoil the setting of the village pond
12. Would increase flood risk
13. Environmental and biodiversity harm
14. No change in circumstances since previous refused applications / appeals
15. Light pollution
16. Planning statement contains incorrect information and factual errors

Comments in support:

1. The five affordable dwellings are much needed. Young people are prevented from living in the parish where they work by the prohibitive cost and lack of starter homes

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site occupies a position on the northern edge of the village abutting The Joint.
- 4.1.2 Reed House is a large detached dwelling located on the north side of Jackson's Lane and set in considerable grounds of 1.6ha, the majority of which is located to the rear towards The Joint and comprise former agricultural land now within the residential curtilage and principally laid to grass with a gated access onto the Joint.
- 4.1.3 The boundaries of the application site are clearly defined with established hedges and trees beyond which to the north, east and west is open space and farm land.
- 4.1.4 The Conservation Area for Reed extends to include the application property and its immediate curtilage and other properties in Jackson's Lane and Crow Lane. The site in question, to the rear of Reed House, lies outside of the Conservation Area.

4.2 Proposal

4.2.1 This is a full application for the residential development of the site with 14 dwellings and associated infrastructure.

4.2.2 The details of the proposals, as set out in the supporting planning statement, are as follows:

Accommodation schedule			
Dwelling	Beds	Storey height	Parking
Plot 1 House	4	2	2 + garage
Plot 2 House	3	2	2 + garage
Plot 3 House	4	2	2 + garage
Plot 4 House	4	2	2 + garage
Plot 5 House	4	2	2 + garage
Plot 6 House	4	2	2 + garage
Plot 7 House	4	2	2 + garage
Plot 8 House	4	2	2 + garage
Plot 9 House	3	2	2 + garage
Plot 10 Bungalow	2	1	2
Plot 11 Bungalow	2	1	2
Plot 12 Bungalow	1	1	2
Plot 13 Bungalow	2	1	2
Plot 14 Bungalow	2	1	2

4.2.3 The vehicular access into the site will be taken from The Joint to the north of the site, whilst pedestrian and cycle access will be provided by a dedicated access from Jackson's Lane to the south

4.2.4 The dwellings would be sited around a central amenity area with a circular internal access road. Existing boundary planting will be retained. The central amenity area would contain an attenuation pond / SuDS area as part of the overall drainage strategy.

- 4.2.5 A visitor parking and hardstanding area is proposed in the south west corner of the site . The site falls from north to south and a drainage pond is also proposed in the south east corner of the site adjacent the village pond on Jackson's Lane.
- 4.2.6 The proposed dwellings would adopt a traditional architectural approach with the use of hipped and gable roofs, projecting gables, chimneys, brick plinths etc. External materials would include clay tiles, render and soft red brickwork and aluminium and timber doors and windows. The main access road would be tarmac with permeable block paving for driveways. The footpath connection to Jackson's Lane would be tarmac.
- 4.2.7 The affordable housing content of the scheme (5 units) would equate to almost 36% of the total number of dwellings.
- 4.2.8 The following documents have been submitted in support of the application:
1. Planning Statement
 2. Design and access statement
 3. Heritage statement
 4. Arboricultural survey
 5. Energy statement
 6. Flood Risk and Surface Water Assessment
 7. Arboricultural Impact Assessment
 8. Preliminary Ecological Appraisal
 9. BNG Net Gain Assessment
 10. Contamination Assessment
- 4.2.9 Key points as presented by the applicants include:
1. The proposal reflects a well-designed, spacious and sympathetic design, in keeping with the character of Reed
 2. Housing mix that is in accordance with Local Plan policy
 3. Maintenance of existing boundaries and vegetation and the integration of the scheme with existing landscaping.
 4. A public cycle/footpath is proposed to connect the site via a route through Reed House, which will be a safe and secure link directly to Jackson's Lane to provide access into the village, easy access to the school, thus avoiding any further parking congestion and ensure a socially integrated development.
 5. The deficit of habitat will be offset by the purchase of habitat units off site.
 6. Vehicular access off The Joint to provide suitable radii and visibility
 7. Provision of a cycleway / footpath connecting the site with the village.
 8. The design of the dwellings will be in accordance with the relevant Building Regulations Part M1 (1 and 2), providing 50% of the dwellings being M4(2).
 9. Adoption of sustainable construction standards to maximise energy efficiency and carbon reduction throughout the scheme
 10. Adequate access for emergency and service vehicles

4.3 Key Issues

4.3.1 The main issues in the determination of this application are as follows:

- Principle of development
- Sustainability / location
- Landscape and Urban design
- Impact on the historic environment
- Highway matters
- Ecology
- Flooding and Drainage strategy
- Planning Obligations
- Planning Balance and conclusions

4.3.2 Principle of the development

4.3.3 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF applications for planning permission must be determined in accordance with the development plan unless material considerations indicates otherwise. For the purposes of this application the Development Plan comprises the North Herts Local Plan 2011 – 2031 and is therefore the starting point for decision making.

4.3.4 The proposal for 14 dwellings would represent a contextually large-scale scheme beyond the settlement limit of the village and be located in an area north of the village boundary characterised by its sylvan and undeveloped rural character. The site is not an allocated housing site in the Local Plan and therefore the scale and location of the development conflicts with LP policies SP2, SP5 and CGB1. Furthermore, the development does not meet any of the exception criteria set out in policy CGB1.

4.3.5 The proposed development would therefore be contrary to the development plan due to conflict with LP policies SP2, SP5 and CGB1. Taken together these policies provide the overarching principles for managing development sustainably in the area and it is this fundamental part of the development plan with which the proposal conflicts in principle.

4.3.6 It is necessary to consider whether other material considerations indicate that the development plan should be outweighed by other factors. Whilst the site forms part of a large garden to Reed House, it is questionable whether the whole of this garden forms the residential curtilage to the dwelling and therefore it is considered that the site does not fall within the definition of previously developed land in the NPPF Annex “:Glossary. However, even where sites are within the curtilage of developed land the NPPF confirms that *“it should not be assumed that the whole of the curtilage should be developed”*.

North Herts District Council does not have a 5-year supply of deliverable housing land. As a result, the Council’s policies governing the supply of housing are out of date and following the process set out at paragraph 11 of the Framework, development should be permitted unless the application of policies of the Framework that protect areas or assets of particular importance provide a strong reason for

refusal or unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Given this prescribed exercise (known as the tilted balance) it is therefore necessary to consider the impacts of the development as a whole before coming to a conclusion on the principle of development, and this exercise will be completed below in this report.

4.3.7 Sustainability / location

- 4.3.8 The issue of the unsustainable location of the site and development of it relying on private transport has been assessed by all of the previous appeal inspectors (see planning history above) who all concluded that residential development on the site would conflict with the aims of NPPF of promoting sustainable development generally and sustainable transport in particular.
- 4.3.9 The site is not accompanied by a Transport Statement and there is only fleeting mention of the local bus service in the Design and Access statement (*'The nearest bus stop is 350m west of the site'* (Page 10)) The submitted Planning statement refers briefly to the village being served by the No. 18 bus four times a day (Monday to Saturday) and the availability of the HertsLynx on-demand bus service.
- 4.3.10 Despite its classification as a Category 'A' village in the local plan Reed is a rural village with few services or facilities. Facilities include a village hall, first school (children on roll 68), a playground and a café on the A10. The village also includes a church (Church of St. Mary). The No. 18 bus runs between Royston and Buntingford stopping at Reed four times a day (no Sunday service). Other than the school there are very few employment opportunities in the village.
- 4.3.11 The village is not part of a cycle network and many of the rural lanes around the village are unlit with no footpaths (e.g. The Joint where the main vehicular access is proposed). The A10 is a busy road with fast moving traffic including commercial vehicles and is unlikely to be attractive to cyclists or pedestrians using the single footpath. The primary mode of transport into and out of the village is by the private car and this is likely to remain the case with the proposed development.
- 4.3.12 The Highway Authority recognises the unsustainable location by commenting *'The proposed layout appears to prioritise the needs of private motor vehicle users with pedestrian and cyclist infrastructure treated as secondary considerations. This approach is inconsistent with current local and national planning policy'*
- 4.3.13 The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, it also states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 4.3.14 The development would support the First school to some extent however this would only attract limited weight. Essentially in view of the limited range of services and facilities and sustainable travel options it is likely that the proposed development would result in significant reliance on private vehicle usage. NPPF Paragraph 110 confirms that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which should be taken into account in decision-making. Each application is therefore considered on its own merits.

4.3.15 Landscape impact / urban design considerations

4.3.16 LP policies SP9 and D1 requires new development to be well designed and located and to respond positively to its local context. The Framework also requires at paragraph 135 for new development to:

- function well and add to the overall quality of the area
- be visually attractive as a result of good architecture, layout and landscaping and;
- be sympathetic to local character

4.3.17 The application site is prominent in the surrounding area and visible from The Joint (again where vehicular access is proposed) the adjacent public footpath Reed 013 and Bridleway Reed 001 opposite to the north. The site is also visible from the surrounding neighbouring properties most notably Mill Corner Farm and the residential properties that back on to it to the south. A key characteristic of this part of the village is its openness and its almost complete lack of any suburban form of development.

4.3.18 The proposed layout will have a form and spatial impact usually associated with suburban development and its typical format of set building styles, low quality open spaces, contrived architectural quality and pastiche detailing and being car dominated with excessive amounts of hardstanding. Furthermore, the development is inward looking and effectively turns its back on the village failing to integrate with the settlement to any meaningful degree this being emphasised by site access off The Joint. The provision of a cycleway / footpath connection to Jackson's Lane provides some degree of assimilation with the village however it cannot overcome the fundamental weaknesses of the scheme as identified above.

4.3.19 The submitted scheme aims at retaining practically all of the existing boundary planting however its queried whether the tall conifer screening with The Joint in particular would be retained in the medium to long term given the north facing aspect of the gardens backing onto this boundary and the consequent pressure by future residents to remove these tall trees. Any removal of the northern boundary vegetation would further open up the development to the wider landscape and serve to have a detrimental impact upon the rural character of the area. The character of The Joint is one of a country lane and is not characterised by housing developments of the kind proposed (including its wide entrance road and bellmouth access).

4.3.20 The development would not be representative of the linear and distinctive rural character of the village and therefore would not preserve the form and character of the settlement in my view. In short, the proposals will fail to function well and add to the overall quality of an area as required by the Framework, failing also to comply with LP policies SP9 and D1.

4.3.21 Impact on the historic environment

4.3.22 The Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

4.3.23 The Reed Conservation Area Character Statement describes the Reed Conservation Area as:

‘...characterised by extensive tracts of agricultural land with a low density of historic and modern buildings fronting the country lanes. Accordingly, the character of Reed Conservation Area is highly rural with a strong countryside setting’.

‘The key character of Reed Conservation Area is its openness. There is no suburban quality to the area, instead houses and farms are mostly scattered along the various country lanes, often with an abundance of space in between properties’

4.3.24 The Council’s Senior Conservation Officer comments on the admission in the submitted Heritage statement that:

- The character of the Conservation Area is distinctively rural,
- The rural setting of Reed Conservation Area provides both historical context and a sense of place to the settlement.
- The rural backdrop emphasises the traditional character of the village and informs its significance and the ability to appreciate said significance to a moderate to high degree.
- The key elements of the setting of the Conservation Area relate to the agricultural nature of its countryside location.
- The study site is an open space and that open space provides a great contribution to the significance of Reed Conservation Area and indeed, the Character Statement aptly summarises this by highlighting that ‘The key character of Reed Conservation Area is its openness’.

4.3.25 The Senior Conservation officer observes that:

‘Even if the view is taken that the land immediately to the rear of Reed House is private garden therefore does not contribute to the significance of the RCA, the garden remains ‘private open space’ which acts as a buffer between the RCA and the arable farmland to the north of The Joint. The lack of built form on this hinterland behind Reed House reinforces the linear built form along Jackson’s Lane and Crow Lane, thus maintaining the character and appearance of the RCA.

and also advises that:

‘Far from being ‘isolated’, the application site shares similar characteristics to other land parcels south of The Joint with an overwhelming sense of rurality whether that is due to private gardens, paddock/grazing land or areas of countryside that extend up to the road. If successful, there is a clear concern that this development may set an unwelcome precedent for development nearby’.

4.3.26 In summary the Conservation officer considers that although outside of the Reed Conservation Area (RCA), the development will have a moderately erosive impact upon the significance of the RCA as a result of development within its setting failing to satisfy the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

4.3.27 Taking into account the comments above I consider that there would be some harm to the setting and therefore significance of the Reed Conservation Area (RCA). The Conservation officer considers that the degree of harm would be moderate on the less than substantial harm continuum. NPPF Paragraph 215 advises that where there would be less than substantial harm to the significance of a heritage asset this

should be weighed against the public benefits of the proposals and this exercise is carried out in the planning balance below.

4.3.28 Highway matters

- 4.3.29 The Highway Authority raises an objection to the proposed development due to several significant highway concerns including, in their view, the unsustainable location of the proposed development.
- 4.3.30 Policy SP6 of the North Herts Local Plan seeks amongst other things, to encourage development *‘in locations which enable sustainable journeys to be made to key services and facilities’*. A short stretch of cycleway / footpath linking the site to Jackson’s Lane does not address the lack of sustainable modes of transport to wider destinations. The site is clearly in an unsustainable location and the scale of development is such that there is unlikely to be sufficient long-term funding to promote more sustainable modes of travel such as a public transport subsidy, the creation of new cycleway infrastructure towards Royston for example or a car sharing club.
- 4.3.31 In addition to the above there are detailed highway matters of concern such as the access geometry, lack of information on service and emergency vehicle access and issues with the general accessibility of the surrounding lanes for cyclists and pedestrians.
- 4.3.32 The failure of the development proposals to reduce the need to travel by private car together with other highway related issues results in the highway objection being supported by planning officers.
- 4.3.33 The development would be in conflict with LP policies SP6 and T1 and development management policies in the Hertfordshire Transport Plan (LTP4) and Hertfordshire County Council’s Place & Movement Planning Design Guidance (March 2024).

Ecology

- 4.3.34 The site is not identified as a Site of Scientific Interest (SSSI), does not contain any non-statutory designations nor has it any other wildlife designation in the local plan. A Preliminary Ecological Assessment submitted with this application found no protected species within the site and states that the site should be considered of ‘local value’ for its biodiversity. Various recommendations are made including mitigations measures for birds, bats and hedgehogs and other small mammals.
- 4.3.35 The submitted BNG Assessment concludes that there would be a net loss of habitat units of -26.40% and a net gain in hedgerow on site of 21.66%. requiring the purchase of offsite habitat units. In the event that the application were to be granted planning permission then the standard bio-diversity net gain planning condition would be required. However, the non-compliance of a 10% BNG net gain at this stage cannot be used as a reason for refusal on the application although, as there is a conflict with LP Policy NE4 in terms of loss of biodiversity, this needs to be considered in the planning balance.
- 4.3.36 Flooding and drainage strategy
- 4.3.37 The site is located within Flood Risk Zone 1 where there is the lowest risk of fluvial flooding. Furthermore, the Environment Agency mapping does not highlight any

potential risk of Surface Water flooding. The application is supported by a site-specific flood risk assessment and drainage strategy. The Flood Risk summary set out in the report is as follows:

Type of Flooding	Existing Risk Category	Proposed Risk Category
Fluvial flooding	Very Low Risk	Very Low Risk
Surface Water flooding	Very Low Risk	Very Low Risk
Groundwater flooding	Very Low Risk	Very Low Risk
Reservoir flooding	Very Low Risk	Very Low Risk
Artificial Flooding	Very Low Risk	Very Low Risk

Table 2 – Flood Risk Summary from all sources before and after development

4.3.38 Given the underlying clay on the site and following an intrusive ground investigation, the report advises that infiltration drainage, as the preferred method of drainage, would not be practical on this site. The report concludes that the strategy would comprise stormwater drainage to a watercourse to the south and use of SuDS (via permeable paving, detention basins and swales). The SuDS features will be maintained and managed by a private management company.

4.3.39 The Lead Local Flood Authority have objected to the Drainage Strategy for the site on several technical points requiring the submission of further information. Discussions are on-going between the LLFA and the applicant's drainage consultants. However, at this stage there is a firm objection to the development from the Flood Authority relating to potential increase in flood risk as a result of the development and its proposed drainage scheme and that the development is not in accordance with the new Standards for Sustainable Drainage Systems (June 2025). Accordingly, the development would be contrary to the development plan due to conflict with LP policies NE7 and NE8 and would also be contrary to the provisions of National Planning Policy Framework paragraphs 181, 182 and 187.

4.3.40 Planning Obligations

4.3.41 North Herts Council has adopted a Planning Obligations Supplementary Planning Document and Hertfordshire County Council has adopted a Guide to Developer Infrastructure Contributions (July 2021). Neither authority has a CIL charging schedule. Both documents identify the planning obligations that will be sought for development that generates a need for new infrastructure and these are a material consideration in planning applications.

4.3.42 Both the District Council and HCC are mindful of the tests for s106 legal agreements that are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are that any planning obligations must be:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

Any requests that do not meet the above tests will not be actively sought by the Council or HCC.

4.3.43 The applicant has identified in the submitted Planning Statement that affordable housing, an active travel contribution and a Bio-diversity Net Gain contribution may be required but acknowledged that further contributions may be required following the completion of consultations and then the appropriate S106 Agreement submitted to the Council. The District Council has provided a list of Heads of Terms to the applicants (see below), and this has been updated to take account of Reed Parish Council requests for contributions to capacity improvements at the village hall and a new information board:

Element	Detail	Justification
Secondary school education (HCC)	Contribution towards the expansion of King James Academy Secondary School and/or provision serving the development (£193,915 index linked to BCIS 1Q2024)	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Childcare Contribution (HCC)	Contribution towards increasing the capacity of 0-2 year old childcare facilities at Little Acorn Nursery and/or provision serving the development (£1,102 index linked to BCIS 1Q2024)	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Childcare Contribution (HCC)	Contribution towards increasing the capacity of 5-11 year old childcare facilities at Reed First and/or provision serving the development (£209 index linked to BCIS 1Q2024)	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Special Educational Needs and Disabilities (SEND) Contribution (HCC)	Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£27,285 index linked to BCIS 1Q2024)	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Library Service (HCC)	Contribution towards increasing the capacity of Royston Library. and/or provision serving the development (£4,060 index linked to BCIS 1Q2024)	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Youth Service (HCC)	Contribution towards resource requirements to support the delivery of youth work with young people in the area and/or provision serving the development (£3,036 index linked to BCIS 1Q2024)	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit

Waste Service Transfer Station (HCC)	Contribution towards the new Northern Transfer Station and/or provision serving the development (£4,064 index linked to BCIS 1Q2024)	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Hertfordshire Fire and Rescue Service (HCC)	Contribution towards expansion or relocation of Royston fire station and/or provision serving the development (£6,009 index linked to BCIS 1Q2024)	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Sustainable Transport / Highway contributions (HCC)	Financial contribution – To be confirmed	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Herts County Council Monitoring fees (HCC)	These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024).	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Affordable Housing (NHC)	On site provision of 5 affordable dwellings. Tenure to be agreed	Local Plan Policies HS2 'Affordable Housing', SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD (2022), Evidence with the Council's SHMA
Waste and Recycling (NHC)	Standard collection charge	Local Plan Policy SP7 and North Herts Council Planning Obligations SPD
Therfield Heath Mitigation Strategy (NHC/Conservators of Therfield Heath)	Contribution of £680.00 per dwelling (after indexation to Q1 2025)	Local Plan Policies SP7 and SP9 'Infrastructure requirements and developer contributions', Therfield Heath Mitigation Strategy (Nov 2022) and Developer Contributions SPD (pages 60/61)
District Council Monitoring Fees (NHC)	One off monitoring fee of £750.00	Local Plan Policy SP7 and North Herts Council Planning Obligations SPD
Reed Parish Council	Kitchen refurbishment, Reed village hall £16,052.50	LP policy SP7
Reed Parish Council	Community Notice board £3007.13	LP policy SP7

4.3.44 At the time of writing this report the above Heads of Terms have not been agreed with the applicants and no draft S106 Agreement has been submitted to the Council. In the absence of an acceptable legal agreement to secure the above matters the development would be contrary to LP policy SP7 (Infrastructure requirements and developer contributions).

4.3.45 Planning Balance and Conclusions

4.3.46 It has been determined that the development would conflict with several policies of the development plan. Notwithstanding this conflict, the planning policies governing the supply of housing are to be considered out of date. Development, according to Paragraph 11d) of the NPPF, should therefore be approved unless:

“i. the application of policies in [the] Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”

4.3.47 Officers consider that the development would have a moderately adverse effect on the setting and significance of the Reed Conservation Area, a designated heritage asset and that the harm would be at a moderate level on the less than substantial continuum. The NPPF states that great weight should be given to an asset's conservation irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 212). Where development proposals will lead to less than substantial harm to the significance of a designated heritage asset as in this case, NPPF paragraph 215 confirms that this harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use. Whilst the delivery of housing is a public benefit, the site is not in a sustainable location and there is a Local Plan housing allocation within Reed which will deliver additional housing that will contribute towards maintaining the vitality of the village. In the circumstances, it is considered that the public benefits of the proposed development would not outweigh the identified harm and great weight should be given to this harm.

Designated heritage assets are explicitly included within the scope of Paragraph 11d) i. of the Framework as explained at Footnote 7. Harm to an asset of particular importance provides a strong reason for refusing the development proposed.

4.3.48 In addition, in considering the development against Paragraph 11d) ii., it is necessary to carry out a balancing exercise to determine whether the adverse impacts of granting permission (including that described above with respect to heritage assets) would significantly and demonstrably outweigh the benefits.

4.3.49 There would be a public benefit with the provision of 14 dwellings in keeping with the government's objective of significantly boosting the supply of housing. The proposed 5 affordable housing units would add to this benefit of housing delivery and should be afforded positive weight. Whilst a number of local objections have pointed to the lack

of local infrastructure, it is acknowledged that development in rural areas can help to boost the vitality of local communities and assist with the viability of maintaining and introducing local services and community facilities; these social and economic benefits are to be afforded significant positive weight.

- 4.3.50 The development would, however, be clearly in conflict with planning policies for the area being a reasonably large development outside of the village boundary in the rural area beyond the Green Belt. In addition to the inappropriate scale and location of the development its suburban appearance and consequent adverse impact on the character of the village and immediate landscape must be attributed substantial negative weight. There is conflict in terms of the sustainability of the site with the reliance on the private car and lack of cycling and pedestrian connectivity to the wider area. The Flood Authority has also raised several concerns. These environmental harms weigh substantially against the proposal.
- 4.3.51 Taken as a whole, therefore, the Local Planning Authority finds that the harm arising from the development would significantly and demonstrably outweigh the benefits, and following the process as set out in section 38 (6) of the 2004 Act, material considerations do not indicate that the decision in this application should depart from the policies of the development plan which renders the application unacceptable in principle.
- 4.3.52 Although the Local Plan policies for the provision of housing are out of date in the area, the application of policies of the Framework protecting assets of particular importance represents a strong reason to refuse planning permission. Furthermore, the adverse impacts of approval would clearly and demonstrably outweigh the benefits, and the development should be refused due to the issues described above relating to scale and location, urban design and landscape impact, highways, flood impact and lack of a Section 106 agreement to mitigate the impact of the development.
- 4.3.53 The applicants have indicated that they are willing to enter into a section 106 agreement securing planning obligations to meet various needs that would arise as detailed above. This process has been started by the Council however, given the issues with the development and the length of time the application has been submitted it is now in the public interest to determine the application without completing a legal agreement. Whilst the lack of such an agreement must appear as a reason for refusal, it is one that can reasonably be expected to be overcome.

4.3.54 **Alternative Options**

None applicable

5.0 **Legal Implications**

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

6.0 **Recommendation**

6.1 That planning permission be **REFUSED** for the following reasons:

1. The site is not an allocated housing site within the adopted North Hertfordshire Local Plan and is located largely outside the category 'A' settlement boundary of Reed and within the rural area beyond the Green Belt. The development therefore is in conflict with policies SP2, SP5 and CGB1 of the adopted North Hertfordshire Local Plan.
2. The proposed development would detract from the open and rural character of the site and this, together its inappropriate scale and urbanising effect, would have an adverse effect upon the character and appearance of the surrounding area. The development in this regard would conflict with policies SP1, SP2, SP9 and D1 of the Local Plan and Section 12 of the National Planning Policy Framework
3. The site is located in an unsustainable location and if developed, would fail to provide adequate opportunity for travel by residents and visitors by non-car transport modes and would therefore be contrary to paragraphs 110, 115 and 116 of the NPPF, the adopted North Hertfordshire Local Plan policy SP9 and the provisions of the Hertfordshire County Council Local Transport Plan (LTP4, 2018) .
4. The key character of Reed Conservation Area (RCA) is its openness and is identified as making a great contribution to the significance of RCA at 6.8 of the submitted Heritage Statement. There is no suburban quality to the area, instead houses and farms are mostly scattered along the various country lanes with space between properties. The village is highly rural with a strong countryside setting. The development of 14 dwellings would appear significantly denser than the neighbouring plots on Jackson's Lane which comprise detached and semi-detached houses on large plots, generally with substantial spacing between. The application site does not form part of the agricultural setting to the RCA, however, this garden area is 'open space' adjacent to the RCA which acts as a buffer between the RCA and the arable farmland to the north of The Joint. The lack of built form on this hinterland behind Reed House reinforces the linear built form along Jackson's Lane and Crow Lane, thus maintaining the character and appearance of the RCA. By reason of layout and density together with the 'green', driveways, access road and other features, the development would create an overtly suburban environment alien to this undeveloped site detracting from the setting and impairing the significance of the RCA. The development would not be sympathetic to local character and history, including the surrounding built environment (para 135c) or would make a positive contribution to local character and distinctiveness (para 210). The proposal fails to satisfy the aims of paragraph 135c) and Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031. The degree of harm is considered moderate on the less than substantial harm

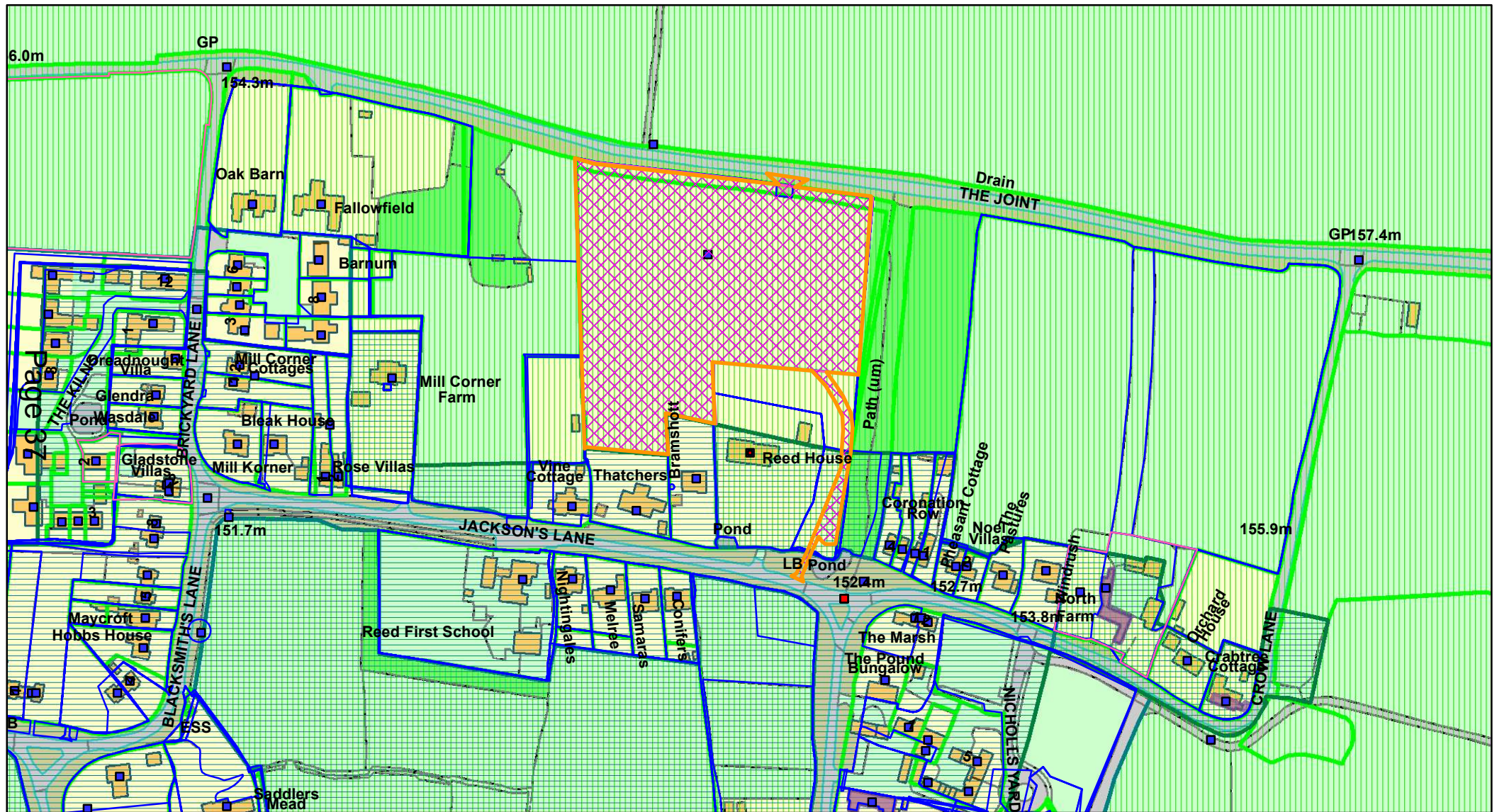
continuum and any perceived public benefits are such that these are not considered to outweigh the heritage harm.

5. In the absence of an acceptable Flood Risk Assessment and Drainage Strategy the proposed development has the potential to increase flood risk contrary to the provisions of LP policies NE7 and NE8 as well as chapter 14 of the NPPF.
6. The proposed development does not make any provisions for securing affordable housing on the site and financial contributions towards mitigating the impact on local infrastructure. The application is therefore contrary to LP policy SP7 and paragraph 56 of the NPPF.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through early engagement with the applicant at the pre-application stage. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraph 38) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

This page is intentionally left blank



This page is intentionally left blank

<u>Location:</u>	Land North Of Milksey Lane Graveley Hertfordshire
<u>Applicant:</u>	Mr Skinner
<u>Proposal:</u>	Erection of 24 dwellings including creation of vehicular access off High Street, associated parking, drainage, amenity space and landscaping.
<u>Ref. No:</u>	25/00571/FP
<u>Officer:</u>	Alex Howard

Date of expiry of statutory period: 27th June 2025

Extension of statutory period: 30th November 2025

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

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

1.0 **Site History**

- 1.1 **17/04017/FP** - Residential development comprising of 4 detached, 2 link detached and 4 semi-detached dwellings with detached garages and provision of new vehicular and pedestrian access off of High Street (as amended by plans received 4/4/23 & 6/11/23).

Resolution to grant, decision pending completion of s106 agreement.

2.0 **Policies**

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

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP6: Sustainable Transport

Policy SP7: Infrastructure Requirements and Developer Contributions

Policy SP8: Housing

Policy SP9: Design and Sustainability
 Policy SP10 - Healthy Communities
 Policy SP11: Natural Resources and Sustainability
 Policy SP12: Green Infrastructure, Landscape and Biodiversity
 Policy SP13: Historic Environment
 Policy HS1: Local Housing Allocations
 Policy HS2: Affordable housing
 Policy HS3: Housing mix
 Policy T1: Assessment of Transport Matters
 Policy T2: Parking
 Policy D1: Sustainable Design
 Policy D3: Protecting Living Conditions
 Policy NE1: Landscape
 Policy NE2: Green Infrastructure
 Policy NE4: Biodiversity and geological sites
 Policy NE5: New and improved public open space and biodiversity
 Policy NE10: Water Framework Directive and wastewater infrastructure
 Policy NE12: Renewable and Low Carbon Energy Development
 Policy HE1: Designated Heritage Assets
 Policy HE4: Archaeology
 Policy GR1: Land at Milksey Lane

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

Section 2: Achieving sustainable development
 Section 4: Decision making
 Section 5: Delivering a sufficient supply of homes
 Section 8: Promoting healthy and safe communities
 Section 9: Promoting sustainable transport
 Section 11: Making effective use of land
 Section 12: Achieving well-designed places
 Section 14: Meeting the challenge of climate change, flooding and coastal change
 Section 15: Conserving and enhancing the natural environment
 Section 16: Conserving and enhancing the historic environment

2.3 **Supplementary Planning Documents**

Sustainability SPD (2024)

Developer Contributions SPD (2022)

Vehicle Parking at New Development SPD (2011)

Design SPD (2011)

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – Comments received from 5 interested parties, 2 objections and 3 neutral, covering the following matters (summary):

- Concerns that access to plots 1 and 2 will become a line of parked cars which will be visible in winter from across the site when trees are not in leaf. Requested additional planting of a hedgerow in front of plots 1 and 2 to be maintained at 7ft to screen the development from this side.
- Considerable development is taking place in the area already; this will lead to increase in general traffic and congestion. The village lacks infrastructure and amenities, such as no GP surgery, public transport which means occupiers will have to drive.
- Request that a condition be included to incorporate 24 integrated Swift bricks into the development, to ensure local populations are accounted for.

3.2 **Hertfordshire Highways** – Provided formal comments stating no objection subject to several conditions and financial contributions.

3.3 **Graveley Parish Council** – *“Graveley Parish Council met on Tuesday 22nd April and under Agenda Item 25/027 (a) they voted no objection with comments to the above planning consultation. The vote was unanimously agreed. The comments were as follows: They feel that the increase from 10 to 24 dwellings is significant and too large. Their understanding is that various unknown materials were used to build up the ménage on the site and a contamination report should be required before any development is started. A condition should be made that burning of wood and rubbish on the site (which has created noxious smoke on occasion) must be stopped”.*

Further correspondence with Graveley Parish Council has confirmed their views for seeking developer contributions towards the following local projects with the associated sums provided:

Contribution towards improvements to the playground on Ashwell Close at £6300, which could be subject to increase given the number of dwellings has increased and the appreciation of costs. Full amount TBC and factored into the s106 HOTs.

3.4 **Environmental Health (Air Quality/Land Contamination/Environmental Health (Noise))** – No objection subject to conditions and informatives.

3.5 **Archaeological Implications** – No formal response received. Informal verbal discussions with HCC have confirmed that the proposed resolution is acceptable.

3.6 **North Herts Waste and Recycling** – Following several consultations on amended plans and further information, the following final comment was received:

“Waste can confirm they are happy to remove any previously applied conditions. We would like to ensure that the vehicle turning points are taken into consideration where the road is marked to be informal and the vehicles are not allowed to access.

In relation to the roadways where the vehicles are accessing, we need to ensure that the road surface is sufficient to support the weight of the collection vehicles”.

3.7 **Conservation Officer** – *“There is NO OBJECTION. The scheme will satisfy the provisions of Sections 16(2) (LBC) and /or 66(1) (FP/FPH) and/or 72(1) (both) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.*

SUGGESTED CONDITIONS:

A landscaping plan should accompany the proposal to detail boundary treatment of the entire site and in particular the part of the conservation area that the proposed site will occupy”.

3.8 North Hertfordshire Ecology – Advised to consult with Herts Ecology.

3.9 County Council Ecology – *“No objection to the proposal, however further information is required prior to determination:*

- *Further surveys for bats required prior to determination.*
- *Further surveys for great crested newts or an IACPC required prior to determination.*
- *A sensitive lighting strategy should be added as a condition of any subsequent approval.*
- *An informative for a precautionary approach to works should be added to any subsequent approval.*
- *This application is automatically subject to the general Biodiversity Net Gain Plan condition.*
- *An HMMP should be secured as part of the legal agreement for BNG”.*

3.10 Hertfordshire Growth and Infrastructure – Requested the following contributions following the submission of a dwelling mix/tenure table:

“Primary Education Contribution towards the delivery of a new primary school in the area and/or provision serving the development (£376,451 (which includes land costs of £5,265) index linked to BCIS 1Q2024)

Secondary Education Contribution towards the delivery of a new secondary education provision at the former Barnwell East site/ land at Redwing Close and/or provision serving the development (£305,529 (which includes land costs of £6,023) index linked to BCIS 1Q2024)

Childcare Contribution towards increasing the capacity of 0-2 year old childcare facilities at Stevenage or the surrounding area and/or provision serving the development (£17,859 index linked to BCIS 1Q2024)

Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities in the area and/or provision serving the development (£358 index linked to BCIS 1Q2024)

Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£44,214 index linked to BCIS 1Q2024)

Library Service Contribution towards the delivery of a new centre a new centre in Stevenage and/or provision serving the development (£8,910 index linked to BCIS 1Q2024)

Youth Service Contribution towards increasing the capacity of Stevenage Young People’s Centre and/or provision serving the development (£7,887 index linked to BCIS 1Q2024)

Waste Service Transfer Station Contribution towards the new Northern Transfer Station and/or provision serving the development (£6,844 index linked to BCIS 1Q2024)

Fire and Rescue Service Contribution towards the expansion at Baldock and Letchworth Fire Station and/or provision serving the development (£10,301 index linked to BCIS 1Q2024)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

3.11 **North Herts Planning Urban Design/Transport Policy Officer** – Considerable advice and guidance has been provided to the applicant to amend the schemes layout to improve its general function as a housing site and permeability. Both are satisfied with the most recent amended site plan.

3.12 **Anglian Water** – No comments to make.

3.13 **Local Lead Flood Authority** – Initial comments received on 3rd June, objecting to the proposal in the absence of an acceptable Drainage Strategy relating to:

- The proposed SuDS are likely to increase the risk of flooding elsewhere.
- The development is not in accordance with NPPF, PPG or North Herts local policies including NE8 and NE9.

Further amended information has been submitted in the form of a Flood Risk Assessment (FRA) to overcome the concerns raised. No further comments have been received at the time of writing from the LLFA.

3.14 **CPRE** – None received.

3.15 **Hertfordshire County Council Minerals and Waste** – Comments provided on matters and recommended condition got a Site Waste Management Plan prior to commencement.

3.16 **Rights of Way** – Comments received over three occasions as follows:

8th April 2025: *“There are a number of Public Rights of Way which run just outside the northern, southern, and western boundary of the site. During development of the site these Rights of Way must remain open and unobstructed at all times, if, for safety reasons, it becomes necessary to close any of these Rights of Way then a Temporary Traffic Regulation Order must be applied for and granted by Hertfordshire County Council before works can begin.*

The safety of the public using the Rights of Way is of paramount importance and measures should be taken to ensure that they are not put at risk by any of the development working place. If there are to be any vehicles driving on or near to the Rights of Way then proper care should be taken to ensure that the surfaces are not damaged, and that any damage that is caused is corrected with proper reinstatement works.

Any vehicles utilising access into the site from Milksey Lane, which is also a Public Footpath (Graveley 018) should be operated in such a way as to respect the fact that pedestrians utilising the Right of Way have priority. If there is to be a high quantity of vehicles utilising that access point then it may become necessary for a TTRO to be applied for by the developer in order to close the route temporarily while heavy movement of traffic is taking place”.

3rd September 2025: “The public Rights of Way, Gravley 018 and 012 which run along the outer western boundary of the site must not be obstructed during construction. If it becomes necessary to close the Rights of Way for safety reasons, a Temporary Traffic Regulation Order must be applied for and granted before any works or closure can take place.

The Rights of Way to the west of the site form part of Sustrans National Cycle Network Route (NCN) 12, access should be provided out of the site onto this route to improve access in the area.

Funds provided through S.106 of the Town and Country Planning Act 1990 should be made available for general improvements to Rights of Way in the area such as potential surfacing, and the installation of new steps on Graveley Footpath 002. This will help maintain routes that will see wider use as a result of the development and directly serve both the residents of the new development and the wider community through improvements to the Rights of Way network”.

20th October 2025: “The proposed footway connection with Milksey Lane must be constructed so that the width of the existing footpath (Milksey Lane track) is not infringed upon. The connection point must be constructed to Hertfordshire County Council's approved specification for surfacing and introduce no trip hazards, curbing, etc on the Right of Way. Any work done on the new footway must be undertaken with the safety of the public utilising the Public Footpath along Milksey Lane in mind. The Public Footpath (Graveley 018) must not be obstructed at any point, and if, for safety reasons, it is necessary to close the footpath, a Temporary Traffic Regulation Order must be applied for and granted before works can take place”.

- 3.17 **North Herts Housing Supply** – Guidance provided including the recommended affordable housing requirement for this site 8 dwellings; 5 rented and 3 intermediate affordable housing tenure.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises an irregular shaped piece of land of approximately 1.4 hectares located on the north side of Graveley, bounded by the High Street to the east, Bridleway 21 to the west and Milksey Lane to the south. To the north the site abuts land containing several stables and a barn which are set back from Graveley Lane. The application site itself is mainly open in character and includes a large U-shaped stable block with associated paddock land, as well as several small timber/metal storage buildings close to the stable block. The site is largely screened from the surrounding roads

and footpath by mature trees and hedgerows and there is a significant fall in levels across the site from north to south.

- 4.1.2 The site is within the settlement boundary of Graveley which is identified as a Category A village in the Local Plan. The southern toe of the site is within the Conservation Area.
- 4.1.3 The site has been allocated for residential development in the North Hertfordshire Local Plan 2011-2031, which was adopted in November 2022. The site is allocated under Policy GR1 for approximately 8 dwellings.

4.2 **Proposal**

- 4.2.1 Full planning permission is sought for the erection of 24 dwellings including creation of vehicular access off High Street, associated parking, drainage, amenity space and landscaping. The proposal includes 8 affordable dwellings.
- 4.2.2 The scheme would be facilitated by a new access onto the High Street, the principle of which has been established in previous applications. The access road would run through the centre of the site in an east-west direction, with two roads branching off in a north-south direction. The layout of new dwellings would be within a road circuit arrangement, with areas of green space on the sites edges and a SuDs attenuation basin feature in the southern corner. There would be a considerable retention of trees/hedgerows on the sites boundaries as well as new soft and hard landscaping throughout. The scheme would also introduce two pedestrian routes from the western side of the site to the Bridleway 21 and Milksey Lane to the south.
- 4.2.3 The application is supported by the following documents:
 - Planning Statement
 - Design & Access Statement
 - Transport Statement
 - Flood Risk Assessment & Drainage Strategy
 - Heritage Assessment
 - Energy Statement
 - Noise Impact Assessment
 - Landscape and Visual Appraisal
 - Preliminary Ecological Appraisal
 - Biodiversity Net Gain Assessment/Metric
 - Arboricultural Survey & Impact Assessment/Tree Survey and Plan
 - Archaeological Written Scheme of Investigation
 - Planning Accommodation Schedule
- 4.2.4 Amended plans and further information has been submitted during the course of this application in an effort to overcome objections raised from consultees, particularly the Councils Urban Design/Transport Policy Officer, the Local Lead Flood Authority and Waste and Recycling Team.

4.3 Key Issues

4.3.1 The key issues for consideration are the

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

The Principle of Development

- 4.3.2 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The National Planning Policy Framework (NPPF) is a material consideration and is considered to be consistent with the Local Plan, also attracting significant weight.
- 4.3.3 Policy SP1 of the Local Plan supports the principles of sustainable development and seeks to maintain the role of key settlements as the main focus for housing and to ensure the long-term vitality of the villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities. The policy elaborates on this stating that planning permission will be granted for proposals that deliver an appropriate mix of homes, create high quality development that respects and improves their surroundings and provides for healthy lifestyles, provides for necessary infrastructure to support an increasing populations, protects key elements of the District's environment including biodiversity, important landscape, heritage assets and green infrastructure, the mitigates the impact on climate change.
- 4.3.4 The site is allocated for residential development in the Local Plan under Policy GR1 for approximately 8 dwellings and by virtue of this allocation, the site is within the settlement boundary of the village. Graveley is a designated Category A village where under Policy SP2 of the Local Plan, it states that *"general development will be allowed within the defined settlement boundaries"*.

- 4.3.5 The site-specific criteria for this allocated site set out under Policy GR1, which will be considered in turn within the body of this report, are as follows:
- *Sensitive design to minimise impacts upon Graveley Conservation Area;*
 - *Archaeological survey to be completed prior to development; and*
 - *Maintain Public Right of Way (Graveley 018) through the site.*
- 4.3.6 The proposal is for 24 dwellings, which is a 200% increase on the estimated 8 dwellings as set out in Policy GR1 of the Local Plan. Not all the GR1 allocation is included in the application site area so the dwelling increase is arguably higher than a 200% increase over the 8-dwelling estimate. The policy estimates for allocated sites are a guide for developers, with many sites being submitted and considered under or over their respective estimations based on the site characteristics and policy criteria for acceptable development. It is further considered that, given the site is approx. 1.4Ha which equates to approx. 17 dwellings per Ha, that the proposal for 24 dwellings is acceptable as this is a reasonable density for a residential development within a village location. Officers also consider that the allocation of 8 dwellings as set out in the Local Plan, would deliver a very low density of development and no affordable housing. The proposal would make more efficient use of this allocated housing site and assist in boosting the supply of housing. As such, the significant increase of dwellings in this scheme compared to the policy estimate is considered acceptable. This is also covered in Paragraph 8.3 of the Local Plan.
- 4.3.7 Overall, it is considered that the principle of development is acceptable, given the site's allocation within the Local Plan and its location within the settlement boundary of a Category A village. Therefore, there is no conflict with Policy SP2 of the Local Plan. It is further considered that there is no conflict with the principle or aims of Policy GR1, even with the significant increase in housing numbers compared to the estimated allocation.

The Planning History

- 4.3.8 The site was the subject of a previous application under ref: 17/04017/FP - Residential development comprising of 4 detached, 2 link detached and 4 semi-detached dwellings with detached garages and provision of new vehicular and pedestrian access off of High Street (as amended by plans received 4/4/23 & 6/11/23). This application was considered by the Planning Committee and has a resolution to grant planning permission subject to the completion of a s106 agreement, which is ongoing at the time of writing.
- 4.3.9 This previous application established several matters which are carried over onto this application, namely the provision of a new access onto the High Street, archaeological considerations relating to the requirements of Policy GR1s allocation, and some matters relating to planning obligations sought.

The Impact on Designated Heritage Assets

- 4.3.10 Policy SP13 of the Local Plan states that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting"*. This reflects paragraph 212 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as Conservation Areas. Policy HE1 of the Local Plan states that *"Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm*

to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset's optimum viable use". This is reinforced by paragraph 215 of the NPPF.

- 4.3.11 The southern toe of the site is within the Conservation Area. Therefore, consideration is given as to the impact of the proposal upon this heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires that in the exercise of planning powers, in conservation areas *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*. It does not address the setting of conservation areas. There are no listed buildings within close proximity to the site that would be impacted by this development.
- 4.3.12 In this respect, Policy GR1 sets out the following site-specific requirements insofar as they relate to designated heritage assets:
- *Sensitive design to minimise impacts upon Graveley Conservation Area;*
- 4.3.13 In this respect, only the southern toe of the site is located within the Conservation Area. There would be no new built form or access roads in the area within the Conservation Area, as this part of the site would comprise the SuDs attenuation basin and additional/retained landscaping. As such, it is considered that the proposal would respect the landscape character of this part of the Conservation Area. Moreover, it is accepted that the development of 24 dwellings will have an impact on the setting of the Conservation Area, given the additional built form where there is minimal at present. However, as stated, the southern corner is left open for this proposal and the main part of the Conservation Area is located further south beyond Milksey Lane, such that it is not considered that residential development of this site will have any significant impact on the setting of the Conservation Area because of its relatively contained nature and separation from the main part of the Conservation Area to the south.
- 4.3.14 The Council's Conservation Officer has been consulted on this application and has provided comments, concluding *"there is NO OBJECTION. The scheme will satisfy the provisions of Sections 16(2) (LBC) and /or 66(1) (FP/FPH) and/or 72(1) (both) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031."*
- 4.3.15 Therefore, it is considered that the proposal will result in very limited harm on the less than substantial harm continuum, if at all, based on the above considerations and formal Conservation comments. Therefore, in accordance with Policies SP13 and HE1 of the Local Plan and Paragraph 215 of the NPPF the harm should be weighed against the public benefits of the proposal, and this is considered in the planning balance later in this report.

The Visual Impact on the Character of the Area

- 4.3.16 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.

- 4.3.17 As stated in this report, the site itself is mainly open in character and includes a large U shaped stable block with associated paddock land, as well as several small timber/metal storage buildings close to the stable block. The site is largely screened from the surrounding roads and footpath by mature trees and hedgerows and there is a significant fall in levels across the site from north to south. The proposal for 24 dwellings, including new access, landscaping and associated works, will inevitably result in a change to the visual character of the area.
- 4.3.18 The application is supported by a Landscape and Visual Impact Assessment which has conducted a detailed appraisal of the proposal from key viewpoints in the context of existing landscape character. This assessment concludes as follows:

"In relation to impact upon the visual environment, the photographic record illustrates that the Site is visually well-contained from most publicly accessible viewpoints by the established network of woodland and vegetation which is typical of the wider landscape. The most notable change will be perceived from PRow Graveley 018, which passes adjacent to the Site's eastern and southern boundary (along Milksey Lane) and will be retained alongside the development, as confirmed in Policy GR1 of the adopted North Hertfordshire Local Plan. A landscape buffer will reduce the impact from this point. It is also accepted that a minor change to the visual environment will be experienced from the adjacent B197 High Street to the east, where receptors are road users passing in vehicles and less sensitive to a degree of change.

In relation to landscape character, it is considered that the Site lies on the village edge of Graveley, and while washed over by 'LCA 216 Arlesey – Great Wymondham' of the Hertfordshire Landscape Character Assessment, the Site displays few of the characteristics of the wider LCA due to its village edge location and previously equestrian land use. Due to urbanising influences within the wider landscape including the busy A1(M) road corridor approx. 150m west of the Site, it is considered that the development can be incorporated into this location without resulting in a significant impact upon any of the published characteristics which comprise the localised and wider landscape.

The development proposals have been sensitively designed to respond to the localised context and ensure they do not result in significant harm to the landscape character, the localised or wider visual environment, and the Conservation Area covering the historic centre of Graveley.

In summary, it is considered that the Proposed Development is an appropriate development of a Site allocated for residential development on the village edge of Graveley. The allocation helps to establish the principle of development in this location, and while the Proposed Development seeks to introduce an increased number of dwellings against the allocation, the Proposed Development is still of a size and scale which is considered acceptable from a landscape and visual perspective".

- 4.3.19 Officers have considered the submitted LVIA and support the above conclusions that whilst the development will result in some inevitable changes to existing landscape and visual character, the dense screening of the site and topography coupled with enhanced landscaping will not result in an unacceptable visual impact. Therefore, there is no conflict with Policies D1 and SP9 of the Local Plan.

Design, Layout and Landscaping

- 4.3.20 The proposed layout focusses the main built part of the development north of the Conservation Area. The layout shows the majority of the houses presenting their main elevations to the site boundaries and new access roads in a back-to-back arrangement, as well as setback garages and most driveways to the side/flank elevations of the dwellings. The dwellings on the eastern side of the site are setback from the High Street with an area of open space and access roads separating development from the road. This part of the site is also elevated above the High Street behind existing dense landscaping across this eastern boundary. To the south of the site is a landscaped area including the SuDs attenuation basin. The dwellings would be traditional in appearance with pitched roofs and some gable projections and bay windows to add interest. The dwellings would be finished in brick with some render and cladding. The dwellings are all proposed as two-storey in height. The design of the dwellings would reflect those on the application site to the south of Milksey Lane and existing dwellings in the locality. There are large mature trees and hedgerows to the east, south, and western boundaries that will be retained. Some landscaping will be lost to enable the new access to be provided but a comprehensive scheme of landscaping across the site would compensate for the losses. The location of the access was chosen in consultation with the arboriculturist to ensure the impact on trees was minimised.
- 4.3.21 This proposal was the subject of pre-application advice with Officers where guidance was given relating to layout, design and landscaping. As part of this formal submission, the Councils Urban Design and Transport Policy Officers have given further comments on design amendments that would improve the scheme, relating to internal pedestrian footways, links to the neighbouring public footpaths from within the site, the siting and orientation of garages, occupier/visitor parking, and areas for bin storage. These comments have been taken into account on the submitted plans and both Officers are satisfied with the amended plans as submitted.
- 4.3.22 The design and layout of the proposal is considered acceptable and would accord with SP9 and D1 of the Local Plan and Section 12 of the NPPF
- 4.3.23 With a site area of 1.4 HA, the proposal would have a density of approx. 17 dwellings per hectare. This is considered reasonable.
- 4.3.24 The submitted Planning Statement, site plan and tree survey/plan provides some detail as to the landscape aspirations for this site in respect of retained trees/hedges, new planting, the SuDs attenuation basin/fencing around the basin, and the need for a landscape strategy to compensate for any loss of trees. This plan would also need to factor in the part of the site within the Conservation Area. As there is no landscaping plan submitted, it is recommended that this be covered by way of a pre-commencement condition to ensure that the scheme is acceptable in planning terms and meets the requirements of Policy NE1 of the Local Plan.

Living Conditions

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

- 4.3.26 In terms of the layout of the proposed dwellings relative to the immediate neighbours, there are two detached neighbours to the east of the site (Nos. 48 and 54 High Street) and some other neighbours due south of the site. Owing to the considerable distance between the proposed dwellings on the eastern part of the site and these neighbours, the dense tree belt that exists on both sides of the High Street between the site and these neighbours, and the subsequent landscaping details to be submitted via a pre-commencement condition which could enhance the landscaping in front of Plots 1 and 2 to alleviate the concerns of No.54 High Street, it is not considered that the development will result in any materially adverse harm to the reasonable living conditions and well-being of neighbours, with respect to overdominance, loss of privacy and loss of daylight/sunlight,
- 4.3.27 All the dwellings would exceed the nationally prescribed minimum space standards depending on their no. of bedrooms/persons, would benefit from a suitable size and type of private amenity space, and all habitable rooms would benefit from acceptable levels of natural light. Therefore, the proposal would not result in unacceptable harm to the reasonable living conditions of future occupiers.
- 4.3.28 The proposal would therefore accord with Policy D3 of the Local Plan.

Open Space Management

- 4.3.29 The proposal incorporates an area of open space to the south of the site, primarily for the attenuation basin, as well as smaller pockets of open space on the east and west boundaries. These areas will need to be managed and maintained, as the Council will not take this on due to their location outside of the 4 main towns. As such, the applicant has advised that the areas of open space on the site including the SuDs will be managed and maintained by a management company, which will be determined and factored into the s106 agreement.

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 supporting the proposal or a new access point from the High Street, in the form of a priority junction.
- 4.3.32 The Highway Authority were consulted on this application and provided a formal response on the 22nd April 2025, setting out that they had reviewed the Transport Statement and are satisfied that the approach, methodology and assessment carried out by the applicants transport consultant, which also takes into account the stage 1 road safety audit response report complete with revised layouts, demonstrates and supports that the proposed development meets the required policy and design-led approach and consequently that the proposal is not likely to have any significant impact on parking demand, congestion or highway operation. The Highway Authority did raise a few issues in their response, namely relating to the need for a Road Safety Audit 1, ensuring that the existing footpaths on the High Street are clear of foliage in perpetuity, and swept path analysis for refuse vehicles,

but have provided a number of recommended pre-commencement conditions to ensure these matters can be addressed at that stage. This is considered reasonable and will ensure that the development is acceptable in regard to Policy T1 of the Local Plan.

- 4.3.33 In respect of parking provision, the submitted site plan and garage floor plans show that there will be a total of 55 parking spaces for occupiers (1 space for 1-bed dwellings, 2 spaces for 2-bed dwellings, and 3/4 spaces for 3 and 4-bed dwellings) and 7 visitor spaces. The on-plot parking provision for the dwellings is compliant with our Parking Standards SPD, as the garages are large enough to count as a parking space. Given that 14 of the 24 dwellings will benefit from a garage, the visitor parking requirements are per the Parking SPD is considered to be 0.5 times the number of dwellings at 12. The scheme is proposing 7 visitor spaces, which is a under provision against the standards, but this is considered acceptable in this instance given this would reduce the visual impact of parking within the street scene and that there would be excess on plot parking spaces against the standards for some of the dwellings.
- 4.3.34 Overall, the proposal is considered in accordance with Policy T1 and T2 of the Local Plan.

Ecology

- 4.3.35 This application was submitted with a full biodiversity metric and preliminary ecological impact assessment.
- 4.3.36 The submitted PEA does make several recommendations including mitigation measures and further Phase 2 faunal surveys to minimise the risk of harm to protected species and/or establish the use of the site by these species, including bats and great crested newts. In addition, compensatory measures are proposed, where appropriate, in order to maintain the conservation status of local populations. The PEA concludes as follows:

“In conclusion, subject to the implementation of the measures set out and results of recommended Phase 2 surveys, the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, the proposals will not result in significant harm to biodiversity. Further, enhancement measures are proposed in regard to faunal species, including features to support priority or threatened species such as swifts, bats and Hedgehog.”

- 4.3.37 Hertfordshire Ecology has formally responded to the proposal, stating no objection but recommending that further information is required prior to determination, relating to further surveys for bats and great crested newts/an IACPC. They also recommend that conditions for a sensitive lighting strategy should be included, as well as the statutory BNG condition. Moreover, they recommend that a Habitat Management and Monitoring Plan (HMMP) should be secured as part of the s106 agreement. These recommendations are considered reasonable in the interests of protected species and biodiversity.
- 4.3.38 As such, to allow the application to progress, it is considered reasonable to incorporate a resolution into the recommendation that planning permission be granted, subject to the receipt of a formal response of no objection and any additional recommended conditions from Hertfordshire Ecology. This will allow ecological matters to be robustly considered prior to any decision, through the recommended further surveys. If the result of further ecological surveys sees a need to amend the scheme or in any way materially alter the

recommendation, then the application will be referred to the Planning Control Committee for re-consideration. This is considered in accordance with Policy NE4 of the Local Plan.

- 4.3.39 In line with the comments received from interested parties, it is considered reasonable to recommend a condition that seeks to incorporate 24 integrated Swift bricks into the development, to ensure local populations are accounted for.

Archaeology

- 4.3.40 Policy HE4 of the Local Plan states that planning permission for development proposals affecting heritage assets with archaeological interest will be granted provided that:

- a) Developers submit an appropriate desk-based assessment and, where justified, an archaeological field evaluation.
- b) It is demonstrated how archaeological remains will be preserved and incorporated into the layout of that development, if in situ preservation of important archaeological remains is considered preferable; and
- c) Where the loss of the whole or a material part of important archaeological remains is justified, appropriate conditions are applied to ensure that the archaeological recording, reporting, publication and archiving of the results of such archaeological work is undertaken before it is damaged or lost”.

- 4.3.41 In this respect, Policy GR1 sets out the following site-specific requirements insofar as it relates to the archaeological implications on this site:

- Archaeological survey to be completed prior to development.

- 4.3.42 The application is supported by a Written Scheme of Investigation which recommends a programme of evaluation for the site through excavation of ten evaluation trial-trenches (a 4% sample of the site) as shown on Figures 2 and 3; contingency for a further three trenches should those be required; and post-excavation research, analysis, report and archive production. This is consistent with the recommendations submitted under the previous application at this site under ref: 17/04017/FP where the County Councils Archaeological Department advised as follows:

“The proposed development is immediately adjacent to an Area of Archaeological Significance, which denotes the historic core of Graveley and includes the Earthworks of a Possible Manorial Site [Historic Environment Record 364], the Church of St Mary [HER 4303] and the original centre of the Shrunken Village of Graveley [HER 2691].

Recent archaeological work carried out by Cotswold Archaeology to the south of Milksey Lane (in relation to planning refs 21/02260/PRE & 23/00186/FP) has confirmed the north-east to south-west orientation of the Roman Road Viatores 221 [HER 4635] and also produced Iron Age material and prehistoric flint which suggests occupation activity in the area through these periods. This maintains the possibility that the Roman road is laid over an earlier route.

This Roman Road continues through the application site, and there is therefore a high possibility that remains from the Roman or late prehistoric periods will survive below ground due to the minimal development of the site to date.

We therefore recommend that an archaeological geophysical survey and trial trenching evaluation be carried out prior to the determination of the planning application, as per NPPF para 200 and Policy 118.4 of the Local Plan. This should target all areas where archaeological layers could reasonably be impacted by development.”

- 4.3.43 At the time of writing, the County Councils Archaeology Department has not provided a formal response to this application, but it is expected that the response will be similar to that under the previous application at the site. Therefore, in the absence of a formal response from HCC and given the contents of the previous formal comments which seek further surveys and trenching prior to any determination of the application, the recommendation is that planning permission be granted, subject to the completion of archaeological geophysical surveys and trial trenching evaluation as recommended by Hertfordshire County Council and a formal response from Hertfordshire County Council stating that they have no objections to the proposal on archaeological matters subject to any recommended conditions. Officers have discussed this proposal with the County Council who are supportive of this proposed resolution, which would also allow time to negotiate the details of the WSI. This will allow the application to progress to planning committee with the assurances that archaeological matters will be robustly considered prior to any decision, which would accord with Policy HE4 of the Local Plan.

Surface Water Drainage/Flooding

- 4.3.44 The site is located within Flood Risk Zone 1 which is considered to be at very low risk to fluvial and surface water flooding. The layout includes a SuDs attenuation basin, and the application is accompanied by a full drainage strategy. The LLFA had commented extensively on planning application 17/04017/FP, so those comments were taken into account in the preparation of drainage information to accompany the planning application.
- 4.3.45 The LLFA provided formal comments on the submitted Flood Risk Assessment/Drainage Strategy on the 3rd June 2025, objecting to the proposal for the following reasons:

“We are concerned that there is no in principle agreement from Thames Water confirming sufficient capacity within the sewer system for this development. We are also concerned that there is limited explanation on how greenfield runoff volumes will not increase flood risk elsewhere due to the QBAR rate being raised from 0.6 l/s to 2 l/s.

We object to this planning application in the absence of an acceptable Drainage Strategy relating to:

- The proposed SuDS are likely to increase the risk of flooding elsewhere.*
- The development is not in accordance with NPPF, PPG or North Herts local policies including NE8 and NE9.*

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraphs 181, 182 and 187 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed”.

- 4.3.46 The applicant provided an amended Flood Risk Assessment/Drainage Strategy on the 24th September 2025, and this is with the LLFA for comment. At the time of writing, no further response has been received from the LLFA on the amended information which sought to respond to the concerns raised. Given that these are technical matters to be addressed, the recommendation that planning permission be granted is subject to the receipt of a formal response of no objection and any recommended conditions from the Lead Local Flood Authority. Flood and drainage matters will be robustly considered prior to any decision, in accordance with Policy NE7 of the Local Plan.
- 4.3.47 The proposed siting of the SuDs attenuation basin in the southern part of the site is considered acceptable on this proposal, given the sites land level which slopes down from north to south making this an appropriate position for SuDs.

Housing Mix/Tenure

- 4.3.48 Policy HS2 of the Local Plan sets out that planning permission will be granted provided that affordable housing is delivered in accordance with the following targets:

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

- 4.3.49 Policy HS3 of the Local Plan sets out that planning permission for new homes will be granted provided that:

- a) An appropriate range of house types and sizes are provided taking into account:*
- i. the overall targets of this plan;*
 - ii. the findings of the most up-to-date evidence including the most recent Strategic Housing Market Assessment, the Council’s Self Build Register and other relevant evidence of housing need;*
 - iii. the location and accessibility of the site; and*
 - iv. recent completions, existing permissions and sites in the five year supply; and*
- b) The scheme would provide a density, scale and character of development appropriate to its location and surroundings*

- 4.3.50 The proposed development would provide a total of 24 dwellings, with the housing mix and tenure as follows:

- 1-bed maisonette (2) both of which will be affordable rent*
- 2-bed houses (2) both of which will be affordable rent*
- 3-bed houses (13) 1 of which will be affordable rent and 3 of which will be shared ownership*
- 4-bed houses (7)*

- 4.3.51 The Council's Housing Officer has provided a formal comment on the application, where it stated that *"Based on the provision of 24 dwellings overall, the affordable housing requirement would be 8 dwellings; 5 rented and 3 intermediate affordable housing tenure. The applicant is proposing eight affordable dwellings, in accordance with the required tenure mix"*.
- 4.3.52 As such, the proposal which will deliver 24 total dwellings, with 8 affordable dwellings, 5 of which are affordable rent and 3 of which are shared ownership, would comply with the 35% requirement for affordable housing as required by Policy HS2, and would provide an appropriate range of house types/sizes based on the overall targets of the plan which is also appropriate for the density, scale and character of the area, in accordance with Policy HS3 of the Local Plan.
- 4.3.53 As per the requirements of Policy HS4 of the Local Plan, 50% of the dwellings are proposed to be built to M4(2) standard. This would be delivered on Plots 2, 3, 5, 13, 14, 15, 20-24, with 5 of the 12 M4(2) units being affordable. There is no requirement for M4(3) dwellings as there are less than 10 affordable homes proposed.

Waste and Recycling

- 4.3.54 The Council's Waste and Recycling Team have formally responded to this application, following the submission of amended plans amending the layout slightly including the location of bin collection areas, confirming that the bin collection/storage area does meet their guidance and sought confirmation that in relation to the roadways where the refuse vehicles are accessing, that the road surface is sufficient to support the weight of the collection vehicles. This has been confirmed by the applicant and will likely form the basis of technical details to be agreed with the Highway Authority through their recommended conditions.
- 4.3.55 It is proposed to store bins in the rear garden areas and put them out to the front areas on collection day, with the exception of Plots 1 and 2 which have a designated collection area to the side of Plot 1. This is considered acceptable.

Environmental Health

- 4.3.56 Environmental Health have formally responded with no objections subject to conditions covering a noise mitigation scheme, contaminated land and EV charging points. The application is supported by an Acoustic Report which acknowledges nearby noise levels during day, and nighttime is from the A1(M), High Street and Graveley Lane, making recommendations for acoustic insulation for the facades to control noise ingress. Acoustic performance specifications have been set for the glazed elements and ventilators to achieve noise levels in accordance with guidelines set out in BS 8233 and WHO Guidelines for Community Noise. This is considered acceptable and should be reflected in the condition.

Climate Change/Sustainability

- 4.3.57 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.

- 4.3.58 In terms of the economic objective, the proposed development would deliver considerable benefits through the creation of employment during the construction phase and the use of nearby services in Graveley, as well as those further afield in Hitchin and Letchworth and neighbouring villages, by future occupiers. These benefits would be moderate in the context of the village of Graveley and would therefore attain moderate weight.
- 4.3.59 In terms of the social objective, the proposed development would deliver 24 dwellings on an allocated site in the Local Plan, with 8 affordable dwellings and S106 contributions: heads of terms have been agreed with the applicant even in the absence of a completed full S106 agreement at present. The proposed development on an allocated site would make a significant contribution to housing land supply to which significant weight should be attributed within the context of an adopted Local Plan, which could be delivered relatively quickly. Therefore, significant weight is attributed to the social benefits that would arise from a development of the scale proposed. There would be impacts arising from the development upon services and facilities. The applicant has agreed to enter into a S106 agreement that would mitigate the impact of the proposal on the local/wider community, and neutral weight is attributed to this matter
- 4.3.60 In terms of the environmental objective, the proposed development would deliver some benefits. The application is supported by a Sustainability and Energy Statement which sets out how the proposal considers sustainability and energy, with an assessment of the predicted CO2 demand for the proposed development. In the formulation of this document, much consideration has been given to minimising the carbon emissions of the proposed development, and to ensure the development is constructed to rigorous sustainability standards. The document and its proposed measures can be summarised as follows:
- *Maximises the energy efficiency performance of the building fabric, in accordance with the energy hierarchy.*
 - *The fabric energy efficiency (DFEE) achieves a 7% reduction over the minimum standards defined by Building Regulations Part L1 2021 (TFEE).*
 - *The carbon dioxide emissions of the houses are further minimised at the 'Be Green' stage of the energy hierarchy by deploying air source heat pump technology to provide the dwellings with heating and hot water.*
 - *Reduces a total estimated 19.29 tonnes of CO2 compared to the Part L 2021 baseline. This equates to a 65% saving.*
 - *Complies with all of the main compliance criteria required by Part L 2021 of the Building Regulations.*
 - *Details a specification of water efficiency measures which will limit the water consumption of the dwellings to no more than 110 litres/person/day.*
- 4.3.61 These measures are considered acceptable and directly contribute to the environmental objective. Moreover, the proposal will be subject to the mandatory 10% BNG. Overall, these matters should be given significant weight.

Planning Obligations

- 4.3.62 Paragraph 57 of the NPPF stated that planning obligations must only be sought where they meet all of the following tests:

a) necessary to make the development acceptable in planning terms;

- b) directly related to the development; and*
c) fairly and reasonably related in scale and kind to the development.

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

HCC:	Requested contribution, ref. to index linking and date received:	Amendment / change and date:	Policy ref. / notes:
Primary education	Primary Education Contribution towards the delivery of a new primary school in the area and/or provision serving the development (£376,451 (which includes land costs of £5,265) index linked to BCIS 1Q2024)		Policy SP7 Developer Contributions SPD
Secondary education	Secondary Education Contribution towards the delivery of a new secondary education provision at the former Barnwell East site/ land at Redwing Close and/or provision serving the development (£305,529 (which includes land costs of £6,023) index linked to BCIS 1Q2024)		Policy SP7 Developer Contributions SPD
Childcare services	Childcare Contribution towards increasing the capacity of 0-2 year old childcare facilities at Stevenage or the surrounding area and/or provision serving the development (£17,859 index linked to BCIS 1Q2024) Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities in the area and/or provision serving the development (£358 index linked to BCIS 1Q2024)		Policy SP7 Developer Contributions SPD
SEND	Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£44,214 index linked to BCIS 1Q2024)		Policy SP7 Developer Contributions SPD
Library	Library Service Contribution towards the delivery of a new centre a new centre in Stevenage and/or provision serving the development (£8,910 index linked to BCIS 1Q2024)		Policy SP7 Developer Contributions SPD

Youth	Youth Service Contribution towards increasing the capacity of Stevenage Young People's Centre and/or provision serving the development (£7,887 index linked to BCIS 1Q2024)		Policy SP7 Developer Contributions SPD
Waste services	Waste Service Transfer Station Contribution towards the new Northern Transfer Station and/or provision serving the development (£6,844 index linked to BCIS 1Q2024)		Policy SP7 Developer Contributions SPD
Highways	(Strand 1) HCC would envisage that the agreed improvements and travel plan support and monitoring fee (£1,200pa for 5 years, indexed from May 2014). (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021) which suggests that a Strand 2 contribution of 24 x £6826 = £163,824 would be appropriate (index linked by SPONS to January 2019).		Policy SP7 Developer Contributions SPD
Fire and Rescue	Fire and Rescue Service Contribution towards the expansion at Baldock and Letchworth Fire Station and/or provision serving the development (£10,301 index linked to BCIS 1Q2024)		Policy SP7 Developer Contributions SPD
Monitoring fee	£420 adjusted for inflation against RPI January 2024.		Policy SP7 Developer Contributions SPD
Hertfordshire Ecology	Habitat Management and Monitoring Plan (HMMP) - This shall demonstrate how the habitat enhancement and creation, and subsequent target habitat conditions will be created, enhanced, and monitored over 30 years following the completion of the capital works required to create them. It is recommended that the HMMP should be in line with the HMMP template produced by DEFRA. Considerations should also be given within any legal agreement to secure resources to allow adequate monitoring over the 30-year period.		Policy SP7 Developer Contributions SPD
NHDC:			
Waste and recycling bins	£75 per dwelling		
SUDs	N/A		
Play space	N/A		

Open space	N/A		
Pitch sports	N/A		
Arts and culture	N/A		
Community halls	N/A		
Affordable housing	<p>8 affordable units are being offered as part of this proposal:</p> <p>2 x 1 bed maisonette affordable rent. 1 x 3 bed terraced affordable rent. 2 x 2 bed semi-detached affordable rent.</p> <p>3 x 3 bed shared ownership.</p> <p>50% of dwellings to be built to M4(2) standard (12 total).</p>		<p>Policy HS2 Affordable Housing</p> <p>Policy HS5 Accessible and Adaptable Housing</p>
BNG ecology	N/A		
Monitoring fee	<i>The Council will seek 2.5% of the value of the contributions being monitoring with a minimum of £750 and a cap of £25,000. This is considered a fair cost that will reflect the value of the S106 agreement and will not affect the viability of a scheme</i>		<p>Policy SP7</p> <p>Developer Contributions SPD</p>
Other:			
NHS	N/A		
Parish Council	<p>Contribution of £6,300 (before indexation) to include the following projects (to be confirmed following further details/costings for the projects):</p> <ul style="list-style-type: none"> Improvements to playground on Ashwell Close. 		<p>Policy SP7</p> <p>Developer Contributions SPD</p>
Management Scheme	Scheme of management of landscaped areas and drainage infrastructure (SuDS)		<p>Policy SP7</p> <p>Developer Contributions SPD</p>

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

The Highway Authority's formal response sought Strand 1 contributions for a Travel Plan and monitoring fee, however this development falls under the threshold for a travel plan (50-80 dwellings) according to their guidance document. This has therefore been omitted from the Heads of Terms.

- 4.3.65 The Parish Council did not include any request for financial contributions as part of their formal submission for this application. Further correspondence with the Parish Council has sought confirmation on what local projects could benefit from funding from this development, which are those that the future occupiers would use and directly impact. Under the previous application ref: 17/04017/FP, a contribution was agreed in the Heads of Terms in the amount of £6,300 (before indexation) to include the following projects: Playground improvement at end of Ashwell Close, and provision of railings around Graveley Pond, Pondsides. The cost of these projects was split between this previous application and an application on the south of Milksey Lane under ref: 23/00186/FP for 26 dwellings, to ensure they could be adequately funded and delivered. Given that this application is for 24 dwellings and the previous scheme for 10 dwellings is unlikely to be delivered should this proposal be granted permission, it is considered reasonable to incorporate funding for these local projects as part of this current proposal to ensure they can be delivered. The Parish Council have confirmed that contributions from this development would be used for improvements towards the playground on Ashwell Close and whilst the £6300 figure was agreed for the previous scheme of 10 dwellings, this figure should be increased to reflect the increased impact that would arise from 24 dwellings and general inflation of costs. This is considered reasonable and is reflected in the Heads of Terms.
- 4.3.66 In respect of the playground improvements, this has an additional benefit given that the proposal is not seeking to deliver a LAP/LEAP on site, such that funding for the improvement of an existing play area in need of repair/upgrading is directly related to the development as future occupiers will use it, and mitigates the need to deliver a play area on site which could result in less dwellings. Officers are satisfied that these local contributions are CIL compliant, and this has been agreed by the applicant.
- 4.3.67 The proposed heads of terms, including the district monitoring fee, is considered acceptable and in accordance with Policy SP7 of the Local Plan.

Other Matters

- 4.3.68 The response from the Parish Council states that a condition should be made that burning of wood and rubbish on the site (which has created noxious smoke on occasion) must be stopped. This is not a matter that the Local Planning Authority can control in relation to this proposed development.
- 4.3.69 Under the previous application a condition was recommended seeking a scheme for fire hydrants to be submitted and agreed prior to commencement of development. No response from Fire and Rescue has been received at the time of writing, so it is considered reasonable to recommend this condition again on this application.

Planning Balance

- 4.3.70 The site is allocated for residential development in the adopted North Herts Local Plan under Policy GR1. The site is within the settlement boundary of Graveley, which is designated as a Category A village, within which “*general development will be allowed*”. There is no objection to the principle of residential development on this site, which is attached significant weight, and the suitability of development is considered against the site-specific policy criteria.
- 4.3.71 Policy GR1 sets out the site-specific criteria for acceptable development on this site. Whilst the site estimation is 8 homes, the proposal is for 24 which is considered acceptable. The proposal has satisfactorily complied with all of the site specific criteria under Policy GR1, either through the application or the resolution.
- 4.3.72 Overall, the scheme has considerable benefits. The layout, appearance and scale of the proposed development is considered acceptable in planning terms, following the submission of pre-application submissions for this scheme which have been positively responded too. The Council acknowledge that the development will result in a marked change to the visual character of the area and by extension the Conservation Area. However, it is considered that the proposal is well designed in form and layout with considerable landscaping and tree retention on all boundaries, such that it will have an acceptable impact on the visual character of the area and the negligible harm to the character and setting of the Conservation Area would be outweighed by the public benefits that would arise from the delivery of 24 dwellings houses including 8 affordable homes . The scheme as submitted is considered well designed and would respond positively to the site’s local context. The proposal would not result in any material harm to the reasonable living conditions and well-being of neighbours and potential future occupiers. The scheme would also deliver net gains in biodiversity, have an appropriate housing mix/tenure for this village location, and contribute positively to the economic, social, and environmental pillars of sustainability., Significant weight is attached to these benefits.
- 4.3.73 All technical matters that can be addressed at the time of writing have been, with the remaining technical matters relating to the LLFA, ecology and archaeology forming part of the recommendation by way of a resolution.

4.4 Conclusion

- 4.4.1 The proposal would constitute sustainable development, and it is recommended that planning permission be granted subject to the provisos, conditions and proposed S106 obligations as set out at section 5 below.

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

4.8 Legal Implications

4.8.1 In making decision 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 any other material considerations. The decision must be in accordance with the plan unless material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached the applicant has a right of appeal against the decision.

5.0 Recommendation

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

- A) the completion of a S106 agreement in line with the agreed Heads of Terms.
- B) 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 Hertfordshire County Councils LEADS (Ecology) following the carrying out of relevant surveys, to be delegated to the Development and Conservation Manager prior to any decision.
- D) A response of no objection and any relevant conditions from Hertfordshire County Councils LEADS (Archaeology) following the carrying out of a geophysical survey and trial trenching evaluation and consultation with HCC as appropriate, to be delegated to the Development and Conservation Manager prior to any decision
- E) the agreement to an extension of time to the statutory determination date to allow time for (A), (B), (C), and (D) to occur; and
- F) the conditions and informative set out below:

1 - The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply

(<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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

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

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

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

3. No development shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access and associated highway works concerning the visibility splays, footways, etc. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before occupation of any part of the development.

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

4. Before commencement of the development, a Stage 1 Road Safety Audit (RSA) for the vehicle access proposals including visibility splays and the road safety implications of vulnerable users such as pedestrians and pedal cyclists in and around the vehicle access and the Graveley Lane/B197 High Street Priority Junction, 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).

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

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.
- the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- the hours of operation and construction vehicle movements.
- details of any highway work necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings.
- details of how the safety of existing public highway users and existing public right of way users will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- the provision for addressing any abnormal wear and tear to the highway.
- the details of consultation with local businesses or neighbours.
- the details of any other Construction Sites in the local area.
- waste management proposals.

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

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

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

7. No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material in accordance with approved plan.

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

8. No part of the development hereby permitted shall be brought into use until the approved visibility splays are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 1.05 metres in height.

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

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

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

10. The garages to the dwelling hereby permitted shall be kept available for the parking of motor vehicle(s) at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter

Reason: To ensure in accordance with Hertfordshire's Local Transport Plan.

11. Pedestrian visibility splays of 0.6m x 0.6m shall be provided on each side of the vehicle accesses within the development. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6 metres above the carriageway level at all times.

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

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

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

13. No development shall take place until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme should follow guidance from the Bat Conservation Trust and Institution of Lighting Professionals (2023), and be designed to minimise light spill, in particular directing light away from boundary vegetation to ensure that dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites. This should be accompanied by a proportionate but compelling statement from a suitably qualified ecologist showing how the design meets the level of protection required and that recommended lux levels are not exceeded.

Reason: In order to protect species and in accordance with Policy NE4 of the Local Plan.

14. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes: (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and; (ii) The results from the application of an appropriate risk assessment methodology

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

(d) This site shall not be occupied, or brought into use, until: (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that

commits to ongoing monitoring and/or maintenance of the remediation scheme. (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

15. Prior to the commencement of development hereby permitted, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site. The landscape scheme shall include:
- a) which, if any, of the existing vegetation is to be removed and which is to be retained, including how it will be protected during the construction works;
 - b) what new trees, shrubs, hedges are to be planted, and areas grassed, together with the species proposed and the size and density of planting, this includes planting within the car park to provide shade, structure and ameliorate the expanse of hard surfacing, the SuDs basin, and details of landscape screening in front of Plots 1 and 2;
 - c) the location and type of any new walls, fences or other means of enclosure, and details of any hard surfacing proposed;
 - d) details of any earthworks proposed.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

16. 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.

17. The development shall incorporate 24 integrated Swift bricks, to be fully installed prior to occupation and retained thereafter.

Reason: to support local biodiversity and in accordance with Policy NE4 of the Local Plan.

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

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

19. Prior to commencement of any above ground construction works, full details of the external materials to be used in the facings of all buildings, and including their roofs, shall be submitted to and be approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

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

20. All measures set out in the supporting Sustainability and energy Statement January 2025 shall be implemented on the development and thereafter retained in accordance with the approved statement.

Reason: To ensure that the development is energy efficient and minimises energy use. To comply with Policy D1 of the Local Plan.

21. Prior to the commencement of the development hereby permitted a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with Hertfordshire Fire and Rescue Service. The required hydrants shall be provided on site by the developer at no cost to the Hertfordshire County Council or Hertfordshire Fire & Rescue Service and maintained in perpetuity.

Reason: To comply with Policy SP7 of the Local Plan and to ensure adequate water supplies for use in the event of an emergency.

22. No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the recommendations identified in the Spectrum Acoustics Ltd report (Ref: CS25/24225/0) dated 6th March 2025. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

Reason: to ensure the amenity of future occupiers is acceptable in line with Policy D3 of the Local Plan.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the National Planning Policy Framework (paragraph 39) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informatives:

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

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

2 - The proposed footway connection with Milksey Lane must be constructed so that the width of the existing footpath (Milksey Lane track) is not infringed upon. The connection point must be constructed to Hertfordshire County Council's approved specification for surfacing and introduce

no trip hazards, curbing, etc on the Right of Way. Any work done on the new footway must be undertaken with the safety of the public utilising the Public Footpath along Milksey Lane in mind. The Public Footpath (Graveley 018) must not be obstructed at any point, and if, for safety reasons, it is necessary to close the footpath, a Temporary Traffic Regulation Order must be applied for and granted before works can take place.

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

Infrastructure Contributions as an appropriate methodology for the obligations sought in this instance.

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

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

4 - EV Charging Point Specification:

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

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

- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as

ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
- A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>
- UK Government issued legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov regulations.

1) The above condition is considered relevant and reasonable for the following reasons:

- Paragraphs 170 (e), 181 of the NPPF, which refer to the effects (including cumulative effects) of pollution (including air pollution) on health, the natural environment (including air quality).
- Paragraphs 102 (d), 105 (e) and 110 (e) of the NPPF, which refer to the need to promote sustainable transport including the provision for charging plug-in and other ultra low emission vehicles.
- HCC Local Transport Plan (LTP4) 2018-2031 which includes an objective to 'preserve the character and quality of the Hertfordshire environment' and 'make journeys and their impact safer and healthier', as well as its Emissions Reduction Policy 19.
- It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.

5 - New or amended vehicle crossover access (section 278): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on

the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

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 website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

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 works 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.

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.

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/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a

Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

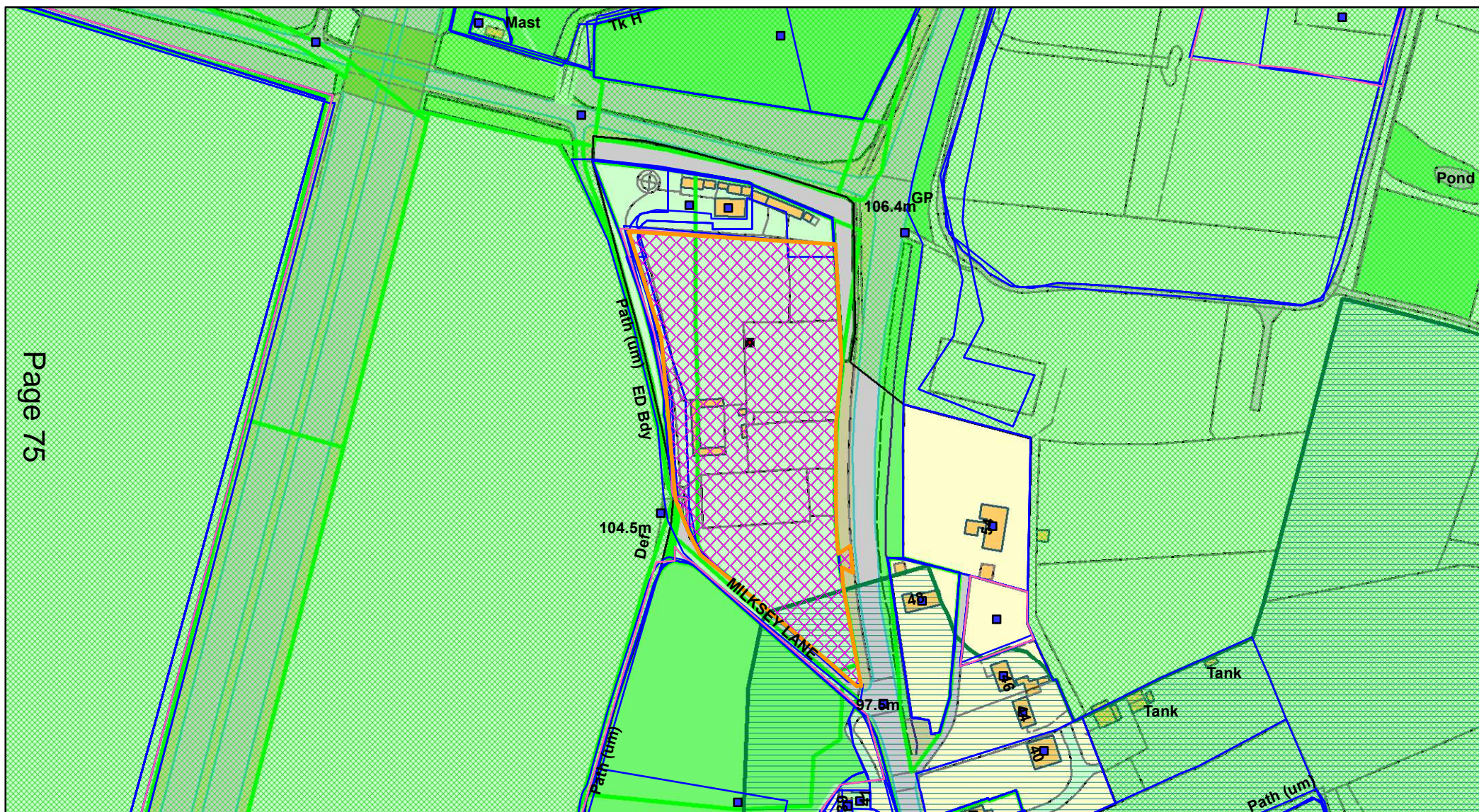
Highway to remain private: The applicant is advised that all new highway routes within the development site are likely to remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. 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.

- 6 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087 Option 2.

INFORMATIVE - Protection of existing assets - If a public sewer is shown on record plans within the land identified for the proposed development. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087 Option 2. 4.

INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 Option 2 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements."



This page is intentionally left blank

<u>Location:</u>	66 Park Lane Knebworth Hertfordshire SG3 6PW
<u>Applicant:</u>	Mr Withers
<u>Proposal:</u>	Reserved matters (appearance, landscaping, layout, scale and internal access) for the erection of 9 dwellings with associated landscaping, parking and amenity space pursuant of outline permission 23/02946/OP granted 19.06.2025.
<u>Ref. No:</u>	25/01658/RM
<u>Officer:</u>	Thomas Howe

Date of expiry of statutory period: 24 September 2025

Extension of statutory period: 27 November 2025

Reason for Delay: To undertake design amendments, and to find a suitable committee date.

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

(a) any residential development with a site area of 0.5 hectares or greater;

1.0 **Site History**

- 1.1 23/02946/OP - Outline planning application for the erection of up to 9 dwellings (all matters reserved except means of access). – Conditional Permission

2.0 **Policies**

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

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP9: Design and Sustainability
Policy HS3: Housing mix
Policy D1: Sustainable Design
Policy D3: Protecting living conditions
Policy D4: Air quality
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy HE1: Designated Heritage Assets
Policy HE4: Archaeology

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**

2.4 **Knebworth Neighbourhood Plan**

KBBE1 Housing Mix

KBBE2 Sustainable Buildings

KBBE4 Design

KBEF1 Biodiversity

3.0 **Representations**

3.1 **Neighbouring Representations:**

2x Representations received. Raises queries relating to Swift Bricks and recommends alterations to their locations.

3.2 **Parish Council:** No Objection. Requests consideration and application of Neighbourhood Plan Policies.

3.3 **Environmental Health:**

Contamination: Recommends inclusion of relevant contamination conditions. Otherwise, no objection.

Noise: *"The planning statement advises that details of the noise mitigation measures are to be submitted under separate cover. I have no objections nor comments on this application but look forward to the noise mitigation details in due course."*

3.4 **Hertfordshire Highways** – *Does not wish to restrict grant of permission.* No objection subject to advisory notes.

3.5 **Waste and Recycling** – None received.

3.6 **County Archaeology** – No objection subject to condition.

3.7 **Hertfordshire Ecology** – None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

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

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

4.2 **Proposal**

4.2.1 The approval of reserved matters is sought relating to the appearance, layout, scale and landscaping relating to outline planning permission that was granted for nine dwellings.

4.2.2 Members resolved to grant Outline Planning Permission (reference 23/02946/OP) subject to conditions and S106 obligations on 26 September 2024. Planning permission was issued following acceptance of a S106 Unilateral Undertaking in June 2025. This permission included details of the access to the site. Regarding the S106 obligations, the Unilateral Undertaking has secured these contributions of £61,434 (Index Linked) towards highways works and £340 monitoring fee.

4.2.3 Therefore, this report does not address the principle of the development which was accepted by the grant of planning permission, but addresses the details submitted that were reserved for approval – the reserved matters.

4.2.4 Six of the proposed dwellings (Plots 1, 3, 4, 5 and 9) would have four bedrooms with attached double garages, and three of the dwellings (Plots 6, 7 and 8) would have three bedrooms with attached single garages.

4.3 **Key Issues**

4.3.1 The following matters were reserved at the outline stage, and are considered at this point:

- Appearance,
- Layout,
- Scale, and
- Landscaping

Appearance, Layout and Scale

4.3.2 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 HS3(b) also requires schemes to provide a density, scale and development character appropriate to its location and surroundings. 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.

4.3.3 The proposed dwellings comprise three house types, though 2, 3, 6-9 would be similar in appearance save for some alterations to fenestration and garage design. Gables would be to their side elevations, though plots 1,4 and 5 would comprise an 'L Shaped' dwelling wherein a double garage and gable would be present to their principal elevations. Materials of construction would comprise red facing brick and plain tiles. PV

panels are proposed to roof slopes where they would face the sun and each dwelling would benefit from an air source heat pump unit to their rear garden. The host dwelling, comprises a large, detached two-storey dwelling of traditional character with gables and is located to the front portion of the site.

- 4.3.4 The proposed layout would comprise 9 dwellings sited to the rear of the primary/existing dwelling. They would be accessed off a central track leading from the public highway, predominantly presenting a primary elevation to the highway, and Plots 1, 4 and 5 would have an 'L Shape' footprint, which would reflect their location to corners of the site. Each dwelling would benefit from a double driveway, and either a single or double garage. The dwellings would be set in relatively generous plots, with a front and rear garden spaces. The roadway would be bound by a footpath to its eastern edge. The layout is considered to be acceptable, that would respond to the shape of the site and would not result in an overly cramped or dense form of development within its edge of village context.
- 4.3.5 The dwellings would be relatively large end, comprising 3 and 4 bed dwellings. The Knebworth Neighbourhood Plan encourages smaller dwellings, with 2 and 3 bed dwellings being the focus. However, approach is set out within the supporting text to Policy KBBE1 (Housing Mix) and relates to affordable housing. The Policy indicates that housing development proposals should demonstrate the extent to which they address current and future housing needs in the Neighbourhood Plan area, whilst providing a range of types and sizes of homes. The proposal would comprise 3x 3 bed dwellings and 6x 4 bed dwellings. Given the quantum of development proposed within the site in the context of local allocations for sites, and that the proposal includes some 3-bedroom dwellings, I consider that the proposed housing mix and scale of these dwellings would be acceptable. The proposed introduction of microgeneration and sustainability features is welcomed and is welcomed by Knebworth Neighbourhood Plan Policy KBBE2.
- 4.3.6 The external materials proposed is a red multi-brick for the walls and a red-brown plain tile to the roof. These materials are considered to be acceptable and reflect the materials used on dwellings in the vicinity, which include a mix of red and buff coloured brick, as well as render, along with brown and red plain tiles. As such, the reserved matters for appearance, layout and scale of the proposed dwellings are acceptable in planning terms. This is in accordance with Policies SP9, D1 and D3 of the Local Plan and Section 12 of the NPPF. Policies KBBE1 (Housing Mix), KBBE2 (Sustainable Buildings) and KBBE4 (Design).

Standard of Amenity for future occupiers:

- 4.3.7 The proposed dwellings would provide internal floor areas that would exceed the minimum required by the Nationally Described Space Standards. Sufficient built-in storage space would be provided for each dwelling. Each dwelling would benefit from garden spaces, and amenities in the relative vicinity including a public house, village hall, school and other leisure amenities. The outline permission was granted subject to the suitable implementation of acoustic mitigation measures, and I consider that these would be beneficial for future occupants to the site. The dwellings would not be overlooked by the existing dwelling, Martlets, and their layout is not considered to allow for overlooking of other plots from first-floor vantage points. Their layout, together with their levels is not considered to result in dominance or losses of light harmful to the amenity of these occupiers. It is noted that some trees are present to plots, however, these are not considered to be overbearing to garden areas. Policy D3 would therefore be complied with.

Landscaping

- 4.3.8 The submitted landscape plan indicates that the roadway would be paved with permeable tarmac, with pavers and block paving to other areas of hardstanding. Grass and other green-scaping would be present to the areas between driveways, to the gardens, and the tree group to the eastern boundary at the southern portion of the site.
- 4.3.9 The proposed extent, siting and layout of hard landscaping is considered to be acceptable and would comprise a traditional materials pallet, complementing other developments within the district. The provision of a dedicated footpath is welcomed to the eastern side of the roadway. The extent of driveways areas is considered acceptable and would provide scope for visitor parking to each dwelling together with parking provision for residents. It is noted that an area of the site is allocated for storage during construction, and that this will be made good once completed. This is considered acceptable, and it was advised that this will be removed once the development is complete.
- 4.3.10 The wooded area to the front of the site, together with trees to the side boundaries would be retained. This is welcomed and is considered to provide suitable screening of the development from nearby public vantage points. The provision of grassed areas to the garden areas of dwellings is considered to be acceptable, with some dwellings benefiting from trees to their garden spaces. The extent of these trees is not considered to be overbearing or to the detriment of these amenity spaces.
- 4.3.11 This application is exempt from BNG Legislation, defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, due to the previous outline application being submitted (22 December 2023) prior to the mandatory date being introduced on 12 February 2024.
- 4.3.12 As such, the proposed landscaping is considered acceptable and appropriate to the form and scale of development proposed. This is in accordance with Policy NE4 of the Local Plan and Policy KBEF1 (Biodiversity) of the Knebworth Neighbourhood Plan.

Other Matters

Access

- 4.3.13 The Highway Authority were consulted on the previous outline application and raised no objections subject to informatives. The previous application left all matters reserved except for access. The Highway Authority have also been consulted on this application and have responded with no objections, subject to the addition of advisory notes.
- 4.3.14 Overall, subject to the above conditions, the proposed access approved under the outline permission is considered acceptable in accordance with Policy T1 of the Local Plan.

Archaeology

- 4.3.15 The County Councils Archaeological Team have recommended that a condition be added to any decision, covering a WSI prior to commencement. This is considered reasonable and has been agreed by the applicant, in accordance with Policy HE4 of the Local Plan, which is related to the layout of the development.

Contamination

- 4.3.16 Environmental Health, Contamination have recommended a contamination condition, which is related to the layout of the development. This has been agreed by the applicant.

Permitted Development Rights:

- 4.3.17 Given the proximity of trees to the boundaries of the site, I consider it is prudent to restrict the Class E and F permitted development rights in the interest of mitigating harm to these trees and to retain the soft landscaped areas of the site, to comply with Policies D1 and SP12.

Ecology:

- 4.3.18 It is noted that no representation has been received from Hertfordshire Ecology on this application. The previous application did not receive objections, and submitted information concluded that the site was unlikely to benefit from protected species. The proposal is exempt from nationally required BNG due to its submission date being before the introduction of these requirements. The previous permission was granted subject to a condition requiring the submission of enhancements be undertaken on-site. The submitted document details various enhancements across the site and a condition is attached to this decision requiring their implementation prior to occupation.

4.4 **Conclusion**

- 4.4.1 The proposal is considered acceptable in planning terms in accordance with the relevant local and national planning policies. Recommend Conditional Approval of details.

4.5 **Alternative Options**

- 4.5.1 N/A

4.6 **Pre-Commencement Conditions**

- 4.6.1 The applicant/agent are in agreement with the proposed pre-commencement conditions.

5.0 **Recommendation**

- 5.1 That the reserved matters be given **Conditional Approval of Details** 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. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

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

3. Prior to the first occupation of the dwellings hereby approved, details of the Air Source Heat Pumps shall be submitted to the LPA and approved in writing and installed on site in accordance with the approved details. Such details shall include siting, size, appearance, manufacturer's specifications, and noise generation levels.

Reason: To ensure that there are no adverse impacts on the design of the dwellings hereby approved or adverse harm on the amenities of the neighbouring occupiers. To comply with Local Plan Policies D1 and D3.

4. Prior to the commencement of the development hereby permitted full details of a comprehensive hard and soft landscaping scheme (including planting details) and all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

All approved hard standing and boundary treatments shall be completed prior to the first occupation of the development.

The approved soft landscaping / planting details shall be carried out before the end of the first planting season following either the occupation of the (first) dwelling 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 ensure the development is comprehensively landscaped in the interests of visual amenity. Local Plan Policies D1 and N2.

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

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

6. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
- A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
 - A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
 - A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

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

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

7. Details and/or samples of materials and appearance of all windows and doors of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

8. A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme and methodology of site investigation and recording as required by the evaluation results
 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 www.hertfordshire.gov.uk
 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.
9. 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)
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.

11. No gates shall be provided across the access to the site.

Reason: In the interests of local visual amenity and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

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

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

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

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

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

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

15. Prior to first occupation of the dwellings hereby permitted, the ecological enhancements detailed within the Ecological Enhancement Plan reference WCL/EEP/GW/7225, and prepared by Wildlife Consultants Limited, dated 7th February 2025, shall be implemented on site.

Reason: In the interest of enhancing biodiversity, to comply with Policy NE4 of the Local Plan 2011-2031.

Proactive Statement:

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

Informative/s:

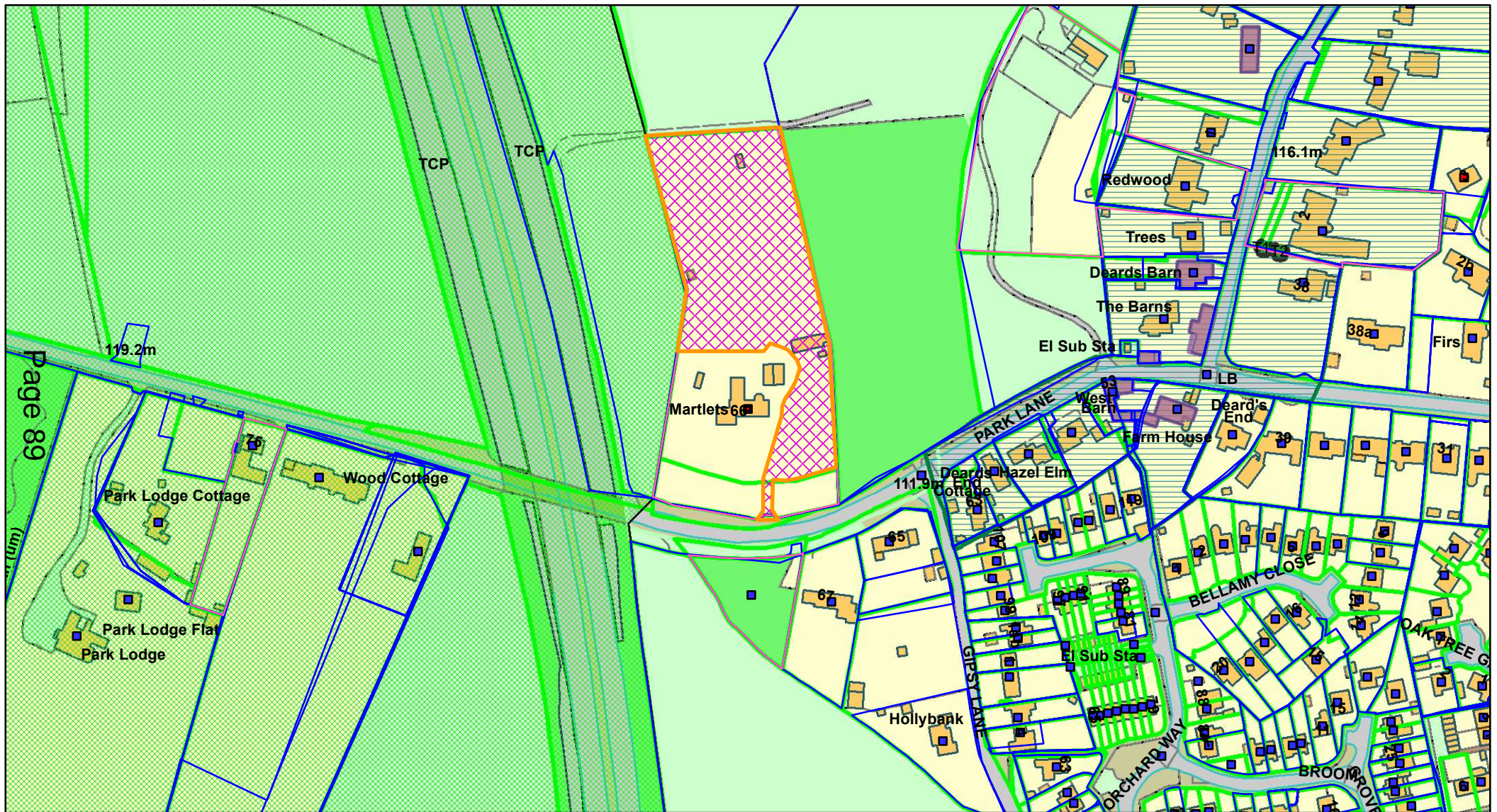
1. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
AN3) New or amended vehicle crossover access (section 278): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.
Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

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

AN7) Planning Obligations and Agreements

It is Hertfordshire County Councils policy to seek a planning obligation in respect of Sustainable Transport including for all developments. The revised NPPF -July 2021 promotes accessibility by sustainable means including bus, cycling, and walking, and the provisions of S106 of the Town and Country Planning Act-1990 allows that planning obligations, governed by the guidance within CIL Regulations may be used to mitigate the impact of development. On 22 June 2021, HCC adopted a new toolkit to seek planning obligations towards sustainable transport. Full details on HCC's policy towards planning obligations may be found at the following web address <https://www.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/who-we-are-and-what-we-do/property/planning-obligations-guidance.aspx#developercontributions>.

This page is intentionally left blank



This page is intentionally left blank