

13 February 2026

Our Ref Planning Control Committee 24 February
2026
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To: Members of the Committee: Councillors Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Clare Billing, Ruth Brown, Val Bryant, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Martin Prescott, Tom Tyson and Dave Winstanley

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

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERNON
ROAD, LETCHWORTH, SG6 3JF**

On

TUESDAY, 24TH FEBRUARY, 2026 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 - 22 JANUARY 2026	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 22 January 2026.	(Pages 5 - 14)
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. 25/01708/OP LAND OPPOSITE HEATH FARM, BRIARY LANE, ROYSTON, HERTFORDSHIRE REPORT OF DEVELOPMENT AND CONSERVATION MANAGER	Erection of up to 84 dwellings with public open space, landscaping and sustainable drainage system (SuDS) following demolition of No. 24 Echo Hill with all matters reserved save for access.	(Pages 15 - 48)

7. **24/02656/S73 LAND EAST OF GARDEN WALK AND NORTH OF NEWMARKET ROAD, GARDEN WALK, ROYSTON, HERTFORDSHIRE** (Pages 49 - 60)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Variation of condition 1 (revised plans) of planning permission 17/02627/1 granted 30.05.2018 for Application for approval of reserved matters comprising of access, landscaping, layout, scale and appearance of Phase 1 the development (pursuant to Outline application 14/02485/1 granted 07/12/2016) as amended by plans received on 22 December 2017; 30 January 2018; 27 March 2018; 18 April 2018; and 2 May 2018.

8. **25/02998/FP LAND BETWEEN SHANGRI-LA AND TODDS CORNER, STEVENAGE ROAD, TODDS GREEN, HERTFORDSHIRE, SG1 2JE** (Pages 61 - 86)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of four detached dwellings including landscaping, parking and widening of existing vehicular access off Stevenage Road.

9. **PLANNING APPEALS** (Pages 87 - 98)
To update Members on appeals lodged and any decisions made.

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY, SG6 3JF
ON THURSDAY, 22ND JANUARY, 2026 AT 7.00 PM

MINUTES

Present: *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.*

In Attendance: *Faith Churchill (Democratic Services Apprentice), Shaun Greaves (Development and Conservation Manager), James Lovegrove (Committee, Member and Scrutiny Manager), Christella Menson (Principal Planning Officer), Nazneen Roy (Locum Planning Lawyer) and Henry Thomas (Planning Officer).*

Also Present: *At the commencement of the meeting approximately 4 members of the public, including registered speakers.*

112 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 16 seconds

There were no apologies for absence received.

113 MINUTES - 11 DECEMBER, 18 DECEMBER 2025

Audio Recording – 1 minute 28 seconds

Councillor Nigel Mason proposed to approve the Minutes of the meetings held on 11 December and 18 December 2025 and Councillor Emma Fernandes seconded.

Councillor Ruth Brown noted that she and Councillor Caroline McDonnell were not in attendance at the 18 December meeting as the item under consideration was a deferred item and therefore they could not take part in the debate or vote on that item.

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

RESOLVED: That the Minutes of the Meetings of the Committee held on 11 December and 18 December 2025 be approved as a true record of the proceedings and be signed by the Chair.

114 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minutes 46 seconds

There was no other business notified.

115 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minutes 51 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.
- (7) The Chair advised of a change to the order of the Agenda and that Agenda Item 10 would be taken before Agenda Item 8.

116 PUBLIC PARTICIPATION

Audio recording – 6 minutes 26 seconds

The Chair confirmed that the registered speakers were in attendance.

117 25/02115/FP KIRKBY MANOR FARM, NORTHFIELD ROAD, ASHWELL, BALDOCK, HERTFORDSHIRE, SG7 5JQ

Audio recording – 6 minutes 40 seconds

The Planning Officer advised that all updates had been provided in the Supplementary Document published.

The Planning Officer then presented the report in respect of Application 25/02115/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Nigel Mason
- Councillor Dave Winstanley
- Councillor Ruth Brown
- Councillor Tom Tyson
- Councillor Val Bryant

In response to questions, the Planning Officer advised that:

- Curtilage referred to the area around a dwelling, including gardens and parking areas.
- Under the Class Q permitted development rights, the impact on neighbouring amenity could not be considered.
- Highways had objected to this application and had provided the previous objection to the Class Q permission. However, under Class Q permission, an objection under sustainability was not acceptable.
- The application being considered regarding plans, elevations and materials was the same as approved under the Class Q application.

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

- Under Class Q development, the extent of the curtilage was restricted to the total floorspace of the dwelling. Therefore, often properties end up with small gardens to serve the dwelling.
- Consequently, it was common for residents to seek planning permission to extend their garden.
- It was possible that this application had been submitted so these dwellings could be marketed with larger gardens.
- Extant permission was already in place for 8 dwellings, and there was 2 years remaining on this permission. The application tonight should be compared against what had already been approved, as this would be the fallback position.
- Recent legislation changes have meant that more prior approval could be sought for more dwellings within a scheme and also enlargement of buildings could take place under Class Q permitted development rights.
- The only changes from the existing permission were the garden and parking arrangements, all other aspects were as approved under Class Q permission.
- The minor extension to plot 4 had been approved in the Class Q application.
- There were material aspects which could be considered under this application but would need to compare the proposal with the fallback position.
- If this was an application for construction of new dwellings, it was likely Officers would have recommended refusal of permission.
- In terms of location, a proposal under Class Q could only be refused where a building was in an isolated location and there unviable to carry out necessary works. However, this site was on an existing highway.
- The proposal was to use existing bricks, some of which appeared to be in a bad condition and would therefore benefit from rendering. There were no proposals to demolish existing buildings.
- He would not be able to provide comment on why the previous Class Q permission was granted, but it was approved and was now the fallback position.

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

- He spoke on behalf of Ashwell Parish Council who objected to this application, as it was considered unacceptable development, outside of the village boundary and within greenbelt land.
- The location was not supported by sustainable transport links and Herts County Council Highways had included this as a reason for refusal in their response, as well as the access to the site being unsafe.
- This application should be considered as standalone from the Class Q permission granted. It was not a request to vary consent and did not meet the criteria for 'betterment'.
- This application would extend the development beyond the curtilage of the existing plot and would be at odds with the surroundings.
- There was no guarantee that, should this application be rejected, the Class Q fallback plans would go ahead, as there were strict rules around this type of development and it may not be taken forward by the developer without this new application being approved.

The Chair thanked Parish Councillor Mahy for their presentation and invited the second Public Objector, Nicki Holmes to speak against the application. Mrs Holmes thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- She and Mr Holmes were the owners of the neighbouring Victorian farmhouse.

- The site had permission granted under Class Q, but this previous application did not fully assess the situation.
- There were concerns around privacy, as the new proposed dwellings and parking area would overlook the existing bedrooms of the farmhouse and the proposed gardens would be overlooked by the farmhouse.
- There were concerns around noise and light disturbance from this development.
- There had been no proposals included to mitigate against the concerns on privacy or the disturbance from additional noise and light.
- The surrounding walls should be a minimum of 2.5metres in height and should be continued around the whole of the boundary to help address privacy concerns.
- She supported the assessment from Highways regarding the unsustainable travel options from the site and noted that the existing access road was not suitable for pedestrians as this was narrow and was frequently used by agricultural vehicles.

The Chair thanked Mrs Holmes for their presentation and invited the third Public Objector, Mike Holmes to speak against the application. Mr Holmes thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- There had been no consideration to the existing dwelling and the impact of this development, including one plot which adjoined the existing dwelling.
- The farmyard was currently concreted over and this would need to be completely removed to create gardens.
- The Farmhouse had been built in 1850 and therefore did not have suitable foundations to support this level of construction around it and no assessment had been made of this in the application.
- There had been no assessment on water supply, with only one, privately owned, pipe currently providing to the site.
- The domestic oil tank from the Farmhouse sat within the existing site and no alternative had been provided to this.
- The proposals introduced urban design features which were not sympathetic to the existing surrounds and there had been no mitigations proposed to keep the development in line with existing properties in the area.
- The main concerns around this application related to noise, overdevelopment, water supply and structural issues with the existing property.
- It was necessary to look to address these concerns, and for relevant conditions to be imposed on this application to provide mitigations.

The following Members asked points of clarification:

- Councillor Louise Peace
- Councillor Val Bryant
- Councillor Nigel Mason
- Councillor Tom Tyson

In response to points of clarification, Mrs Holmes advised that:

- The permission under Class Q did not include gardens at plots 5 to 8. The plots would have either included a garden or parking, not both.
- All impacts from the site needed to be considered together.
- An increase in height of the surrounding wall would help to mitigate the noise from the proposed gardens. This should be extended around the whole of the northern boundary of the site and should be in Arlesey white brick.
- Under the Class Q permission, the gardens proposed under this application for plots 5 to 8 would instead be hardstanding ground.

- The height of the surrounding wall should be increased to 2.5metres around the site, as measured from the side of the existing farmhouse due to the incline of the site.

In response to points raised during the public presentations, the Development and Conservation Manager advised that:

- The proposed gardens at plots 5 to 8 under this application would be hardstanding under the current Class Q permission granted.
- There was an additional Condition 12 proposed in the Supplementary Document, which required information on the boundary to be provided to the Planning Authority and would allow Officers to decide on the appropriate height.

The following Members asked additional questions:

- Councillor Ruth Brown
- Councillor Martin Prescott
- Councillor Dave Winstanley
- Councillor Louise Peace
- Councillor Ian Mantle
- Councillor Tom Tyson

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

- Water suppliers were mandated to provide water supply to new dwellings. This was not a consideration in the approval of this application and was covered under other legislation.
- The location of the oil tanker was a civil matter and not for consideration under this application.
- The development would have to meet with the environmental requirements under Building Regulations. The Council could not require the developer to go further, but this may be something that the developer could consider.
- Electric Vehicle chargers were required under Building Regulations.
- It was likely that the new properties would rely on heat pumps, not gas boilers, and it was unlikely that the installation of oil boilers would enable the development to comply with Building Regulations.
- Most conditions included in the report were duplicated on the prior approval under Class Q.
- A condition to request details of the lighting proposed on site, as well as a restriction on the use of motion sensors, could be included. This could also cover the hours of operation of any lighting on site.
- An assessment of the structural integrity of the existing wall may need to be conducted before a height of the boundary wall could be committed to.

Councillor Nigel Mason proposed to grant permission subject to the Conditions included in the report of the Development and Conservation Manager, as well as the additional Conditions outlined in the Supplementary Document. This was seconded by Councillor Emma Fernandes.

Councillor Tom Tyson proposed an amendment to Conditions 11 and 12 to include:

- An amendment to Condition 11 which should include the requirement for details on the hours of operation and location of external lighting to be submitted.
- That further to this motion sensor activation of lights should be restricted.
- An amendment to Condition 12 to request that the minimum height of the wall boundary should be 2.5metres, as measured from the highest point.

This amendment was seconded by Councillor Ruth Brown.

Having been proposed and seconded, and following a vote, the amendment was **CARRIED**.

Councillor Emma Fernandes proposed an additional Condition 13 to be included to change the inclusion of the brick rendering in red and instead be Arlesey white as in keeping with the neighbouring properties. This was seconded by Councillor Val Bryant.

As part of the Debate, Councillor Tom Tyson proposed that the additional condition also include the walls separating units 3 and 2 and units 2 and 1. This was accepted by the Proposer and Secunder into the amendment.

Having been proposed and seconded, and following a vote, the amendment was **CARRIED**.

The following Members took part in the Debate on the substantive Motion:

- Councillor Caroline McDonnell
- Councillor Ian Mantle
- Councillor Martin Prescott
- Councillor Clare Billing
- Councillor Nigel Mason
- Councillor Bryony May
- Councillor Emma Fernandes
- Councillor Dave Winstanley

The following points were made as part of the Debate:

- There was confused as to why this application was being brought back following existing permission being granted.
- There were family homes proposed on site, but the road access was not suitable for travel and would require private car usage to access amenities.
- Had this application been considered on its own, then it would likely not reach a recommendation to grant. However, consideration needed to be given to the modifications suggested and whether these were suitable, otherwise the Committee would need to revert to the fallback position.
- There were several reasons not to agree with the development, including highways issues, and for this reason had this been a sole application it would likely have been refused. As it stood, there should not be additional permission granted and the developer should move forward with the plans as already approved under Class Q.
- If the Committee refused this, and the fallback position was taken forward, there would be no resolution to the lighting, rendering or boundary wall concerns.
- It was difficult to envision how these properties would work as family homes without the additional proposed outdoor space.
- It was preferable to avoid the fallback position to ensure that mitigations proposed tonight would be enacted.
- The development mean that historic farm buildings would be preserved. This proposal would mean that the existing buildings would be reused and ultimately provide 8, much needed, houses.
- These properties would appeal to some people and those people would know what property they were either buying or renting.

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

RESOLVED: That application 25/02115/FP be **GRANTED** planning permission subject to the conditions set out in the report of the Development and Conservation Manager, with additional Conditions 10 to 13 as follows:

Condition 10

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for:

- a) the parking of vehicles of site operatives and visitors.*
- b) loading and unloading of plant and materials.*
- c) storage of plant and materials used in constructing the development.*
- d) the hours of construction works.*
- e) wheel washing facilities.*
- f) measures to control the emission of dust and dirt during construction.*

The approved construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the amenities of the area and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

Condition 11

Prior to the installation of external lighting, full details including height, hours of operation, design, location of lighting, intensity and shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall preclude the inclusion of motion sensors. The lighting installation shall then be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of the appearance of the locality within the countryside and protection of neighbour amenity in accordance with Policies NE4 and D3 of the North Hertfordshire Local Plan 2011 to 2031.

Condition 12

Notwithstanding details of proposed boundary treatment in the submitted landscaping scheme (Drawing No. 164 LD 01) prior to occupation of the development hereby permitted details of the height of proposed boundary treatment shall be submitted to and approved in writing by the local planning authority, and the boundary wall with Kirby Manor farmhouse will be no less than 2.5metres measured from the highest point along the boundary within the neighbouring property and constructed in Arlesey White bricks. The boundary treatment shall be completed in accordance with the approved details before the buildings are occupied.

Reason: To safeguard and enhance the appearance of the development and the amenity of the locality and to comply with policies D1 and D3 of the North Hertfordshire Local Plan 2011 to 2031.

Condition 13

Notwithstanding the details in the submitted drawings, the development shall not include red external render. 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 any works above ground level are commenced. The approved details shall be implemented on site and thereafter retained.

Reason: To ensure that the development will have an acceptable appearance which better reflects and 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.'

N.B. Following the conclusion of this Item, there was a break in proceedings from 20.32 and the meeting reconvened at 20.41.

118 PLANNING APPEALS

Audio recording – 1 hour 37 minutes 22 seconds

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

- One appeal had been dismissed relating to a first floor rear extension.
- There was an error on the table and the appeal related to The Old School House in Royston, not a property in Letchworth.

120 EXCLUSION OF PRESS AND PUBLIC

Audio recording – 1 hour 38 minutes 40 seconds

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

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the said Act (as amended).

121 INFORMATION NOTE: PLANNING ENFORCEMENT ANNUAL REPORT 2025 - PART 2

N.B. This item was considered in private session and therefore no audio recording is available.

The Conservation and Planning Enforcement Team Leader presented the Information Note entitled 'Planning Enforcement Annual Report 2025 – Part 2' accompanied by a visual presentation.

The following Members asked questions:

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

In response to questions, the Conservation and Planning Enforcement Team Leader advised that:

- The Inspectors site visit in Reed would take place week commencing 26 January 2026 and would cover all aspects of issues raised in one visit.
- If cases were logged through the Councillor Portal, there was no need to complete a proforma. In some cases, details may be missing from the report through the Councillor Portal and therefore more information may be requested to assist with making a prompt decision on the matter.

- A single report would be preferred to multiple reports, as this would cut down the time taken to process reports.
- With Listed Buildings in disrepair, there would be an attempt to deal with the landowner. There were some limited grants available from Historic England to support renovation works, but in some cases it was not financially viable to complete required works.
- Where reports are made of driving over footpaths, this should be reported to the North Herts Council Enforcement Team. They would liaise with County Council Highways Team on the issue and look to work together to resolve.

119 INFORMATION NOTE: PLANNING ENFORCEMENT ANNUAL REPORT 2025 - PART 1

Audio recording – 2 hours 19 minutes 24 seconds

The Conservation and Planning Enforcement Team Leader presented the Information Note entitled 'Planning Enforcement Annual Report 2025 – Part 1' and advised that:

- The Information Note was provided for Members to note.
- An Enforcement Notice had been issued to a site in Breachwood Green relating to a car parking area and hardstanding.
- An Enforcement Notice had been issued to The George in Baldock relating to unauthorised change of use.
- An Enforcement Notice had been issued to 4c Sun Street in Hitchin relating to alterations to a building within the Conservation Area.

The meeting closed at 9.25 pm

Chair

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<u>Location:</u>	Land Opposite Heath Farm Briary Lane Royston Hertfordshire
<u>Applicant:</u>	Gladman Developments
<u>Proposal:</u>	Erection of up to 84 dwellings with public open space, landscaping and sustainable drainage system (SuDS) following demolition of No. 24 Echo Hill with all matters reserved save for access.
<u>Ref. No:</u>	25/01708/OP
<u>Officer:</u>	Ben Glover

Date of expiry of statutory period: 15/10/2025

Extension of statutory period: 27/02/2026

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

Reason for Referral to Committee: The application is a residential development with a site area that exceeds 0.5ha and therefore under the Council's scheme of delegation, the Council's Planning Control Committee must determine this application.

1. **Relevant History**

1.1. 20/00744/OP - Outline planning application for up to 99 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point via the demolition of an existing property on Echo Hill (all matters to be reserved save access) – Refused on 13/04/2021 for the following reasons:

- By reason of its prominent position and the topography of the site and location outside the settlement boundary of Royston, the proposed development would be likely to result in significant localised adverse impacts on both the character of the area and visual receptors, particularly when viewed from certain locations on Royston Heath. While these impacts could be mitigated to a limited extent, the combination of residential built form on high ground and the associated urbanising infrastructure, and development breaking the skyline, would act to occasion a marked and adverse change in the character of the immediate and intermediate locality and wider valued landscape. This adverse impact would represent conflict with the aims of the NPPF and Policies CGB1, SP5, SP12c and NE1 of the emerging local plan and Policies 6 and 21 of the Saved local plan.

- At the time of determination the planning application, the subject of this decision notice, has not been accompanied by a valid legal undertaking (in the form of a completed S106 Obligation) securing the provision of the requisite infrastructure and financial contributions towards off site infrastructure or on site affordable housing. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Saved Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations or proposed Local Plan Policy HS2 of the Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as a sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF).
- 1.2. 18/02797/SO - Residential development for the erection of up to 107 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Briary Lane – Not EIA development decision issued on 22/10/2018.
- 1.3. 18/00747/OP - Outline planning application for the erection of up to 107 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Briary Lane. All matters reserved except for means of main site access – Refused on 17/01/2019 for the following reasons:
- By reason of its prominent position and the topography of the site, the proposed development would be likely to result in significant localised adverse impacts on both the character of the area and visual receptors. While these impacts could be mitigated to a limited extent, the combination of residential built form on high ground and the associated urbanising infrastructure, including the proposed new road access over the Common and development breaking the skyline, would act to occasion a marked and adverse change in the character of the immediate and intermediate locality and wider valued landscape. This adverse impact would represent conflict with the aims of the NPPF and Policies CGB1, SP5, SP12c NE1 and NE6 of the emerging local plan and Policies 6 and 21 of the Saved local plan. This conflict would amount to significant and demonstrable harm that is not outweighed by any other material considerations or benefits.
 - Natural England has advised that there is no acknowledgement of the impact on the SSSI within in the Ecological Appraisal and therefore consider this document to be incomplete. It is extremely important that direct impacts upon the SSSI are accurately quantified and assessed. In the absence of a separate SSSI Impact Assessment in this case, the potential for significant adverse effects has not been adequately evaluated such that would demonstrate compliance with the provisions of NEx and NE6 of the emerging local plan and the NPPF.
 - DfT's Inclusive Mobility, HCC's Passenger Transport in New Developments, The Chartered Institution of Highways Transportation (CIHT) guidance 'Buses in Urban Developments' published in January 2018 and the 'Roads in Hertfordshire Design Guide' (3rd Edition January 2011) state that development layouts should be designed such that all occupied areas are no more than 400m walking distance from a bus stop. There are no bus stops within 400m of the proposed development and to be considered sustainable any new or re-routed service to the proposed housing must have a good chance of being commercially viable after developer pump-priming contributions have been exhausted. The Highway

Authority has examined the options for servicing the development route by route in order to establish the viability of the public transport options in the longer term. It has concluded that it is unlikely that a satisfactory route would be available in the longer term. Accordingly, it is considered that the proposed development would be unlikely to benefit from a satisfactory bus service beyond the short term with residents being denied access to high quality public transport contrary to the aims of the NPPF, Policy T1 (assessment of transport matters) of the Emerging Local Plan and HCC's Local Transport Plan 4.

- The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance - toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF).

2. **Policies**

2.1. **National Planning Policy Framework (2024)**

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 6: Building a strong and competitive economy
Section 8: Promoting healthy and safe communities
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

2.2. **North Hertfordshire District Council Local Plan (2011-2031)**

Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP5: Countryside and Green Belt
Policy SP6: Sustainable Transport
Policy SP7: Infrastructure requirements and developer contributions
Policy SP8: Housing
Policy SP9: Design and sustainability
Policy SP10: Healthy communities
Policy SP11: Natural resources and sustainability
Policy SP12: Green infrastructure, biodiversity and landscape
Policy SP13: Historic environment
Policy CGB1: Rural Areas beyond the Green Belt
Policy T1: Assessment of transport matters
Policy T2: Parking
Policy HS2: Affordable Housing

Policy HS3: Housing Mix
Policy HS4: Supported, sheltered and older persons housing
Policy HS5: Accessible and adaptable housing
Policy D1: Sustainable design
Policy D3: Protecting living conditions
Policy D4: Air quality
Policy NE1: Strategic green infrastructure
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE6: New and improved open space
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE9: Water quality and environment
Policy NE10: Water conservation and wastewater infrastructure
Policy NE11: Contaminated Land
Policy NE12: Renewable and low carbon energy development
Policy HE1: Designated heritage assets
Policy HE3: Non-designated heritage assets
Policy HE4: Archaeology

2.3. **Other Planning Guidance and Documents**

Planning Practice Guidance (PPG)
Sustainability SPD (September 2024)
Vehicle Parking at New Developments SPD (November 2011)
Design SPD (July 2011)
Developer Contributions SPD (February 2023)
Therfield Heath SSSI Mitigation Strategy (November 2022)

3. **Representations**

3.1. **Site Notice:**

Start Date: 25/07/2025 Expiry Date: 17/08/2025

3.2. **Press Notice:**

Start Date: 24/07/2025 Expiry Date: 16/08/2025

3.3. **Neighbouring Notifications:**

272 comments have been received following consultation with the public. 268 comments are objections; 3 comments are in neutral.

The key issues raised are summarised below. Comments can be found in full on the NHC website:

Objections:

- The site is not allocated in the North Hertfordshire Local Plan.
- Development is outside the settlement boundary.
- Royston already contributes significantly to NHC 5-year housing land supply and the town is overdeveloped.
- Site is in an inappropriate unsustainable location.

- Previous reasons for refusal still apply to the current application by reason of the similarity of the proposal.
- Unsustainable due to poor access to services and reliance on private vehicles.
- Unsafe due to access design and steep gradients.
- Non-compliant with planning and transport policies.
- Development would increase traffic and congestion to nearby streets during and after construction.
- Roads around the site are narrow, with parked cars, and unsuitable for large vehicles and an increase in traffic.
- Harm to the safety of the existing and future road users on nearby residential streets.
- Poor visibility around corners on nearby streets connecting to the site.
- Harm to the local landscape and Therfield Heath.
- Loss of field and countryside.
- There would be harm to the Therfield Heath SSSI.
- Loss of biodiversity and biodiversity net gain cannot be achieved.
- No EIA has been submitted.
- Harm to protected species in and around the site.
- Concern that the development would worsen risk of water flooding in other parts of Royston.
- Harm to the privacy of existing residents.
- Overshadowing of neighbouring properties.
- The development and demolition of No. 24 and the new access road would significantly impair the living conditions of No. 23 and 25 during construction and post-development.
- Impact on standard of health provision in the area.
- Loss of agricultural land.
- Limited spaces available in local schools.
- Restrictive covenants in place on Echo Hill that would be enforced by residents if breached, preventing construction traffic.
- Concern over the effect of the development and water supply in Royston.

Other Representations:

- Swift bricks should be integrated into the walls of the new houses.

3.4. Consultees:

Affinity Water – No comments received.

Anglian Water – No objection.

Conservators Therfield Heath – Application would have a negative impact on Therfield Heath.

HCC Archaeology – No comments.

HCC Growth & Infrastructure – No objection subject to S106 financial contributions.

HCC Highways – Objection (full comments available on NHC website).

HCC Lead Local Flood Authority – Objection (full comments available on NHC website).

HCC Minerals & Waste – No objection.

HCC The Water Officer – No comments received.

Herts Fire & Rescue – No comment.

Natural England – No objection subject to mitigations.

NHC Community Development Officer – No response received.

NHC Conservation Officer – No objection.

HCC Ecology – Objection.

NHC Environmental Health – No objection.

NHC Greenspace – No response received.

NHC Housing Development Officer – No objection.

NHC Leisure – No response received.

NHC Strategic Planning Officer – No response received.

NHC Sustainability Officer – No objection.

NHC Transport Officer – No response received.

NHC Urban Design Officer – No response received.

NHC Waste & Recycling – No response received.

NHS Cambridge & Royston – No objection subject to S106 financial contributions.

NHS Hertfordshire & West Essex – No response received.

Place Services Ecology – No objection subject to conditions.

Place Services Landscape – Objection. Comments available in full on NHC website.

Royston Town Council – Objection. Comments available in full on NHC website.

Sports England – No objection subject to S106 financial contributions.

Thames Water – No comments received.

CPRE – Objection. Comments available in full on NHC website.

Police & Crime Commissioner – No objection subject to S106 financial contributions.

4. Planning Considerations

4.1. Site and Surroundings

- 4.1.1. The application site is situated on the southern edge of the town of Royston. The site comprises two grassed fields, bound to the north and east by existing residential development (Echo Hill, Layston Park, and Royse Grove). To the west of the site is Briary Lane, a public bridleway (Royston 013) that links Royston to Therfield. Along the southern boundary of the site there is another public bridleway (Royston 014) that links Briary Lane to London Road.
- 4.1.2. The application site is situated within the Rural Area Beyond the Green Belt. To the west of the site is Therfield Heath Nature Reserve, a Site of Special Scientific Interest (SSSI). Therfield Heath also contains Scheduled Ancient Monuments.
- 4.1.3. No. 24 Echo Hill, to which the application relates, is a two-storey residential property situated within a residential area. Echo Hill is a cul-de-sac style residential road that is accessed via Sun Hill to the north.
- 4.1.4. Echo Hill and the application site are characterised by their topography with the highest point of the application site along the southern boundary sloping down to the northern boundary of the site. Echo Hill continues sloping down to Sun Hill to the north.

4.2. **The Proposal**

- 4.2.1. Outline planning permission is sought for the erection of up to 84 dwellings with public open space, landscaping and sustainable drainage system (SuDS) following the demolition of No. 24 Echo Hill, with all matters reserved save for access.

4.3. **Key Issues**

- 4.3.1. The key issues for consideration are as follows:

- Principle of Housing Development in this location
- Affordable Housing Provision
- Landscape and Visual Impact
- Impact on Heritage Assets
- Highways and Access Impacts
- Impact on Neighbouring Amenity
- Design and Layout
- Flood Risk and Drainage
- Ecology and Biodiversity Net Gain
- Sustainability Appraisal
- Loss of Agricultural Land
- Environmental Impacts
- Section 106
- Planning Balance and Conclusions

Principle of Housing Development in this location

- 4.3.2. Paragraph 2 of the National Planning Policy Framework (NPPF) sets out that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise and that the NPPF is a material consideration in planning decisions.
- 4.3.3. Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development. For decision taking, Paragraph 11 d) states

'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this 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.'*

- 4.3.4. North Herts Council (The Council) is currently unable to demonstrate a five-year supply of deliverable housing land. The latest published figure determined that the Council can currently demonstrate 2.6 years supply. Consequently, and in accordance with footnote 8 of the NPPF, the policies most important for determining this application are out-of-date and the 'tilted balance' is engaged in favour of the provision of housing on the application site.
- 4.3.5. Whilst the tilted balance is engaged, Paragraph 12 of the NPPF states that *'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.'*
- 4.3.6. With regards to housing delivery, Paragraph 61 of the NPPF sets out the Government's objective of significantly boosting the supply of homes, ensuring that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed. Paragraph 61 goes on to set out that the overall aim should be to meet an area's housing need, including with an appropriate mix of housing types for the local community.
- 4.3.7. Paragraph 124 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 4.3.8. As set out in the report above, the policies contained within North Hertfordshire Local Plan (NHLP) that are most important for determining the application are out-of-date. The Council can currently demonstrate a five-year housing land supply of 2.6 years, a significant shortfall. Therefore, the weight given to the relevant policies contained within the NHLP are significantly reduced.
- 4.3.9. The North Hertfordshire Local Plan 2011-2031 (NHLP) was adopted by the Council in November 2022.
- 4.3.10. Policy SP1 of the NHLP is the backbone for considering development proposals. It requires that the main role of key settlements, such as Royston, be the focus for new development, including housing.
- 4.3.11. Policy SP2 of the NHLP sets out where and the amount of new housing that will be delivered across the district over the plan period and confirms that approximately 80% of the district's housing development will be located within the settlement boundaries of towns including Royston.

- 4.3.12. The application site is unallocated with the NHLP and is situated outside of the Royston Settlement Boundary. The site however physically abuts existing residential development on Echo Hill, Layston Park, and Royse Grove.
- 4.3.13. With the site being outside of the Royston Settlement Boundary, it lies within the Rural Area beyond the Green Belt.
- 4.3.14. Policy SP5 of the NHLP sets out that the Council will operate a general policy of restraint in Rural Areas beyond the Green Belt.
- 4.3.15. Policy CGB1 of the NHLP sets out the policy requirements for development located within the Rural Areas beyond the Green Belt. Policy CGB1 sets out that planning permission for development will be granted subject to the below:
- a) Is infilling development which does not extend the built core of a Category B village;
 - b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;
 - c) Is strictly necessary for the needs of agriculture or forestry;
 - d) Relates to an existing rural building;
 - e) Is a modest proposal for rural economic development or diversification; or
 - f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.
- 4.3.16. The proposed development would not comply with any of the criteria set out in Policy CGB1.
- 4.3.17. In conclusion of the above, the proposed residential development would be located outside of the Royston Settlement Boundary and within the Rural Area beyond the Green Belt. The proposal would conflict with local plan policies SP5 and CGB1. However, the Council cannot demonstrate a five-year supply of deliverable housing land. Therefore, despite policy conflict with the local plan, the provision of up to 84 dwellings, including 50 market homes, on land that physically adjoins Royston would make a significant contribution to the housing supply within the district. The proposed residential use of the site is therefore considered acceptable in terms of land use and is afforded significant weight in favour of the proposal in the planning balance.

Affordable Housing Provision:

- 4.3.18. Paragraph 63 of the NPPF sets out that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
- 4.3.19. Paragraph 66 of the NPPF sets out that where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.
- 4.3.20. Policy SP8 of the NHLP sets out that the Council will support a range of housing tenures, types and sizes measured against targets to provide 33% of all homes over the plan period as affordable housing for local needs with targets to deliver up to 40% affordable housing where viable.

- 4.3.21. Policy HS2 of the NHLP sets out that planning permission for new homes will be granted provided that affordable housing is provided in accordance with the targets set out within the policy. Policy HS2 sets out that 40% of dwellings on sites of 25 or more dwellings should be affordable.
- 4.3.22. The Council has an unmet affordable housing need as set out in the North Herts District and Stevenage Borough Councils SHMA Part II Updated (November 2023) and evidenced by North Herts Councils Authority Monitoring Report (2023-2024). Furthermore, there has been a consistent year on year under delivery of affordable housing within the district as set out within the Monitoring Report.
- 4.3.23. The proposed development would provide up to 84 dwellings, 34 (40%) of which would be affordable homes. The proposal would therefore be compliant with Policy HS2 of the NHLP.
- 4.3.24. In conclusion of the above, the proposed delivery of a policy compliant 34 affordable homes would contribute towards the current unmet need and is afforded very significant weight in favour of the proposed development.

Landscape and Visual Impact:

- 4.3.25. Paragraph 187 sets out that planning decisions should contribute to and enhance the natural and local environment by:
- a) *Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*
- 4.3.26. Paragraph 135 of the NPPF sets out that planning policies and decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 4.3.27. Policy SP9 of the NHLP sets out that the Council will support new development where it is well designed and located and responds positively to its local context.
- 4.3.28. Policy SP12 of the NHLP sets out that the Council will accommodate significant growth during the plan period whilst ensuring the natural environment is protected and enhanced. Policy SP12 states the Council will consider and respect landscape character, scenic beauty and locally sensitive features. The policy also sets out that the Council will protect, enhance and manage designated sites in accordance with the following hierarchy:
- Internationally designated sites
 - Nationally designated sites
 - Locally designated sites
 - Non-designated sites that include important habitats and species

- 4.3.29. Policy NE1 of the NHLP seeks to protect, conserve, and enhance strategic green infrastructure. The policy also seeks suitable mitigation measures or appropriate replacement to satisfactorily address adverse impacts on the strategic green infrastructure network.
- 4.3.30. Policy NE2 of the Local Plan sets out that planning permission will be granted for development proposals that respect the sensitivities of the relevant landscape character area, do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking into account any suitable mitigation measures, are designed and located to ensure the health and future retention of important landscape features, and have considered the long-term management and maintenance of any existing and proposed landscaping.
- 4.3.31. The application site is in close proximity to Therfield Heath, which is a Site of Special Scientific Interest (SSSI) and a nationally designated site for the purposes of applying Policy SP12. Therfield Heath is also a Local Nature Reserve and described within the Local Plan as a 'biodiversity rich landscape' (paragraph 11.3).
- 4.3.32. The site is located within Landscape Character Area (LCA) 228: Scarp Slopes South of Royston. The LCA is of a high sensitivity, as set out within the North Herts Landscape Study (2011). The study states '*the pronounced undulating landform and mix of grassland and arable fields creates an open area with panoramic views, while the sections of wooded dip slopes create a sense of enclosure with limited urban influence*' and '*views to and from the scarp slopes including undeveloped land and wooded skylines are relatively open and would be highly sensitive to the introduction of urbanising features.*'
- 4.3.33. The application is accompanied by a Landscape and Visual Assessment (LVIA) supporting document, which identifies the landscape and visual effects of the proposal.
- 4.3.34. In summary of the development's impact on the surrounding landscape, the applicants LVIA sets out:
- That the proposed development would have no material effect on the wider landscape to the south due to intervening topography and limited intervisibility.
 - The development would be a logical extension to the existing settlement given that the site is well related to the adjacent settlement and bound by housing to the north and east.
 - The site is well contained from the wider landscape by boundary features as well as the adjoining bridleways.
 - There would be no material effects on the townscape character of the immediate settlement adjoining the site to the north and east.
 - There will be a limited effect on the character of Therfield Heath, with the impacts limited to views of the new development from a small part of the Heath, and with new homes seen within the context of the existing settlement which is also visible from here.
- 4.3.35. The Council appointed Place Services (Landscape) to assess the submitted LVIA. Place Services have raised concerns that developing the site would result in adverse harm to surrounding visual receptors and on the localised character of the site and area. The harm identified would notably be to Therfield Heath and surrounding Public Rights of Way (PRoW). The response further notes that mitigation planting would

provide a limited contribution in reducing the visual effects associated with the development owed to the undulating and elevated landform of the area.

- 4.3.36. It should be noted that planning permission was refused under application reference number 20/00744/OP for the following reason:

'By reason of its prominent position and the topography of the site and location outside the settlement boundary of Royston, the proposed development would be likely to result in significant localised adverse impacts on both the character of the area and visual receptors, particularly when viewed from certain locations on Royston Heath. While these impacts could be mitigated to a limited extent, the combination of residential built form on high ground and the associated urbanising infrastructure, and development breaking the skyline, would act to occasion a marked and adverse change in the character of the immediate and intermediate locality and wider valued landscape. This adverse impact would represent conflict with the aims of the NPPF and Policies CGB1, SP5, SP12c and NE1 of the emerging local plan and Policies 6 and 21 of the Saved local plan.'

- 4.3.37. The previous refusal under reference 20/00744/OP followed an earlier refusal on the same site under planning reference 18/00747/OP. The 2018 application was also refused on the grounds of landscape harm. The 2018 application proposed up to 107 dwellings. The officer report identified significant localised adverse impacts on the character of the area and visual receptors, and a marked and adverse change in the character of the immediate and intermediate locality and wider valued landscape.
- 4.3.38. The officer report associated with the previous application (20/00744/OP) determined that the proposed development on open land would *'inevitably result in a significant change in the character of the site, impacting on the wider landscape.'* However, the officer acknowledged within the report that the significant effects of the development would be relatively localised to a short section along Briary Lane and from one view within Therfield Heath.
- 4.3.39. In concluding their report, the case officer for the previously refused application stated that the development *'would undoubtedly act to urbanise what is presently a prominent and locally valued landscape on the edge of the Heath SSSI'* and *'would comprise the incursion of built form into the open countryside and include consequent traffic activity and lighting'*. Despite acknowledging the applicants *'considerable effort to mitigate any adverse impacts'*, the officer attached significant weight to the identified landscape harm.
- 4.3.40. Whilst the current application proposes a further reduction in the number of dwellings compared to the previous two applications, it is similar, in terms of the layout and developable area, to 20/00744/OP. Place Services identified that the issues raised in the previous refusal are still pertinent to the now proposed scheme.
- 4.3.41. Given this similarity, the harm arising from the development is considered to be broadly similar. Whilst it is noted that the proposed development would result in fewer dwellings compared to the previously refused scheme, the area within which there would be built form would be very similar. The proposal and associated residential

built form would urbanise the site resulting in a significant change in the character of the site and locality.

- 4.3.42. As set out within the Place Services response, the proposed layout of the site is likely the most appropriate layout for the site whereby the development is focused within less prominent areas of the site to reduce the visual impact of the proposal upon the surrounding area.
- 4.3.43. Furthermore, the proposal includes structural planting which seeks to mitigate the visual harm arising from the development and it is noted that over time, the planting proposed would likely reduce the impact of the development upon the surrounding area. Place Services consider that the proposed planting within the site would not be sufficient to reduce the visual impact of the proposed development.
- 4.3.44. The proposed development would result in a significant change to the character and appearance of the application site and would result in demonstrable landscape harm within the area of the site. This landscape and visual harm identified is considered to be limited locally to Briary Lane, part of Therfield Heath, Footpath 014 to the south of the site, and the existing residential development to the north.
- 4.3.45. In conclusion of the above, the proposed development would result in significant harm to visual receptors in the locality and harm to the landscape character area due to the site's prominent position, the influence of the local topography, and the associated urbanising infrastructure. While the number of dwellings proposed has been reduced when compared to the previous application, the previous landscape reason for refusal is still relevant. It is considered that significant weight should be attributed to this harm in the planning balance.

Impact on Heritage Assets:

- 4.3.46. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
- 4.3.47. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 4.3.48. Paragraph 207 of the NPPF sets out that in determining applications, local planning authorities (LPAs) should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 4.3.49. Paragraph 208 requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. This should be taken into account when considering the impact

of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 4.3.50. Paragraph 210 of the NPPF sets out that when determining applications, LPAs should take account of:
- a) *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) *the desirability of new development making a positive contribution to local character and distinctiveness.*
- 4.3.51. Paragraph 212 of the NPPF sets out 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 4.3.52. Paragraph 213 of the NPPF sets out that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.
- 4.3.53. Paragraph 214 of the NPPF sets out that where a proposed development will lead to substantial harm to a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss.
- 4.3.54. Paragraph 215 of the NPPF sets out that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 4.3.55. Policy SP13 of the NHLP sets out that the Council will balance the need for growth with the proper protection and enhancement of the historic environment. The policy 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.'*
- 4.3.56. Policy HE1 of the NHLP sets out that planning permission for development proposals affecting designated heritage assets or their setting will be granted where they will lead to less than substantial harm to the significance of the asset, and this harm is outweighed by the public benefits of the development.
- 4.3.57. The application is accompanied by a Heritage Statement, which considers the impact of the proposed development on a range of heritage assets identified within the statement.

- 4.3.58. There are no identified heritage assets within the application site. The Royston Conservation Area is approximately 300m to the north east of the site. The Heritage Statement has identified a high number of Grade II and Grade II* Listed Buildings within a 500m radius of the application site. Additionally, there are two bowl barrows, which are Scheduled Monuments situated on Therfield Heath that also fall within the 500m radius of the site.
- 4.3.59. The Scheduled Monuments are situated to the west of the application site and are well screened from views within and around the site by reason of the local topography and vegetation. While Historic England has not been consulted on this application, under the previous 20/00744/OP application for a similar development, no objection was raised subject to the inclusion of a buffer along the western boundary of the site. The previous response from Historic England is noted for context only and the current proposed development must be considered on its own merits. The framework plan includes a buffer along the western boundary of the site. The submitted Heritage Statement considers that there would be no harm to the Scheduled Monument west of the site. It is considered that the proposed development would result in no harm to the setting of the Scheduled Monument on Therfield Heath and no concerns are raised.
- 4.3.60. The Heritage Statement acknowledges that the proposed development would *'produce some increase in the sense of urbanisation'* and concludes that the proposed development would have *'no effect on the ability to appreciate'* the identified heritage assets in their context, or *'impact upon the primary components of their special interest'*.
- 4.3.61. No objection to the currently proposed development has been raised by the Council's Conservation Officer who concludes that the *'proposal does not impact directly upon listed buildings or their setting or the character or appearance of the Royston Conservation Area.'*
- 4.3.62. The Hertfordshire County Council Archaeologist has reiterated previous advice issued under application 20/00744/OP. Following earlier geophysical survey work and trial trenching undertaken for application 18/00747/OP, no archaeologically significant remains were identified, and the site was assessed as having very low potential for surviving below ground heritage assets. No new archaeological findings have since been made in the surrounding area, and the archaeologist therefore offers no further comments on the current proposal.
- 4.3.63. The findings set out in the submitted Heritage Statement are accepted. Therefore, in conclusion of the above, while the site would result in an increased sense of urbanisation within the locality, this change would not equate to harm in this case, and the proposed development is not considered to cause harm to the identified heritage assets. This matter weighs neutrally in the planning balance.

Highways and Access Impacts:

- 4.3.64. Paragraph 110 of the NPPF sets out that the planning system should actively manage patterns of growth in support of the objectives set out in Paragraph 109 of the NPPF. Paragraph 110 goes on to state *'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.'*
- 4.3.65. Paragraph 115 of the NPPF states that it should be ensured that sustainable transport modes are prioritised, taking account of the vision for the site, the type of

development and its location. Paragraph 115 also sets out that it should be ensured that safe and suitable access to the site can be achieved for all users.

- 4.3.66. Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 4.3.67. Local plan Policy SP6 confirms that the Council will seek to secure accessibility improvements and promote the use of sustainable transport modes insofar as reasonable and practicable.
- 4.3.68. Policy T1 of the NHLP states that planning permission will be granted provided that development would not lead to highways safety problems or cause unacceptable impacts upon the highway network. Policy T1 also sets out that permission will be granted for major development that demonstrate how the proposed scheme would be served by public transport, would provide safe, direct and convenient routes for pedestrians and cyclists and secure integration into the existing pedestrian and cycle, public transport and road networks.
- 4.3.69. The application is accompanied by a Transport Assessment (TA). The TA considers the application site to have a *'good level of accessibility and can be categorised as a walkable neighbourhood, being within 800meters of various key daily shops and services in Royston'* and *'public transport services are accessible within a short walk to the bus station or a cycle ride to the railway station.'*
- 4.3.70. The TA also estimates that there would be approximately 37 two way vehicle trips in the morning peak hour (0800-0900), 38 two way vehicle trips in the evening peak hour (1700-1800), and a total of 347 two way trips daily (0700-1900). The TA considers that the development would result in just over 1 additional car trip every 2 minutes at peak network travel periods and therefore cannot be considered as representing a significant or severe impact in relation to the NPPF and no further assessment is necessary.
- 4.3.71. Hertfordshire County Council Highways (The Highways Authority) have been consulted on the application. Although they consider that the proposal would not have any significant impact on the operation or capacity of the local highway network, they have recommended refusal on the grounds of sustainability and the safety and feasibility of the proposed access.
- 4.3.72. Based on the indicative framework plan, some of the dwellings proposed would be located up to approximately 1km from the nearest bus stop, which the Highways Authority does not consider a reasonable walking distance. Their standard is 400m where gradients and hills are present, or otherwise 600m. As such, the development is regarded as unsustainable and in conflict with Hertfordshire's Local Transport Plan (LTP4) Policy 5 (Accessibility) and Policy 6 (Sustainable Travel), and paragraphs 115, 117 and 135 of the NPPF.
- 4.3.73. Concerns have been raised about the site's topography. The Highways Authority question the feasibility of providing an access road in this location, noting that the Transport Assessment does not address this matter. Main access roads are required to have gradients no steeper than 1 in 20 (5%) to ensure safe and inclusive access for all users. To enable a full assessment, further information would be required from the applicant.

- 4.3.74. The Highways Authority notes it did not object to outline application 20/00744/OP. However, it considers that national and local policy has evolved since, placing greater weight on sustainable transport (walking, cycling, and public transport) to reduce car dependency, meet emissions targets, and improve public health and safety.
- 4.3.75. The application site sits on the elevated, undulating scarp slopes of Royston. Vehicular access is proposed through No. 24 Echo Hill following its demolition. No. 24 Echo Hill is a detached dwelling located towards a lower elevation point within the site.
- 4.3.76. Echo Hill is a residential cul-de-sac style road, with No. 24 Echo Hill located a little over halfway up from the junction of Echo Hill with Sun Hill to the north. Between the proposed access and the T-Junction with Sun Hill, the highway winds and falls steeply. Sun Hill is a narrow residential street with on-street car parking on one side. It is noted that both Sun Hill and Echo Hill benefit from a pedestrian footpath. Sun Hill then links to Briary Lane, another residential road, and to London Road (A10).
- 4.3.77. The services upon which future residents of the site would be reliant upon are situated predominantly on Market Hill and the High Street. The closest bus stops are on Barkway Street, approximately 650m from the proposed access to the site.
- 4.3.78. The topography of the application site, Echo Hill, and the surrounding area would not allow for ease of access to and from the site for all users, making walking, cycling, and wheel-chair accessibility difficult. Furthermore, the topography and distance of the site from nearby services would likely encourage use of less sustainable transport methods such as the car to get to and from the site.
- 4.3.79. The application site is therefore not considered to be in a sustainable location for the purposes of applying paragraphs 110 and 115 of the NPPF. Furthermore, the proposal would conflict with Policy T1 of the NHLP, which requires the scheme to demonstrate how the development would be provide safe, direct and convenient routes for pedestrians and cyclists.
- 4.3.80. In addition to the unsustainability of the application site, there is an absence of suitable information that demonstrates the proposed access would be safe and accessible for all users. The proposed development would conflict with Policy T1 of the NHLP, Policy 5 of the LTP4, and Section 9 of the NPPF.
- 4.3.81. In conclusion of the above, the proposed development would constitute unsustainable development that fails to offer a genuine choice of transport modes and furthermore, the application has not demonstrated that the access would be safe and accessible for all users. Significant weight is attributed to this harm in the planning balance.

Impact on Neighbouring Amenity:

- 4.3.82. Paragraph 135 f) of the NPPF sets out that planning decisions should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future

users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 4.3.83. Paragraph 198 of the NPPF sets out that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. In doing so, they should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.
- 4.3.84. Policy D3 of the NHLP sets out that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions and where the living conditions of an existing development would be affected by a proposed use, the Council will consider whether mitigation measures could reduce the harm to acceptable levels.
- 4.3.85. The proposed development would comprise up to 84 dwellings. The development is estimated to generate approximately 347 two-way trips throughout the day (0700-1900). No indication has been provided as to how many trips would be expected to and from the site outside of the stated daytime hours (0700-1900). The calculations used to estimate the number of trips to and from the site also appear to exclude any estimate of non-residential traffic, such as deliveries. It can therefore be reasonably expected that the number of trips to and from the site throughout the day would exceed the figure quoted in the Transport Assessment.
- 4.3.86. The proposed development would feature one vehicular access to and from the site. To allow for the creation of the access, the development proposes the demolition of No. 24 Echo Hill. The proposed site access would therefore be formed between No. 23 and 25 Echo Hill. Both neighbouring properties currently benefit from private rear gardens with an open outlook across the application site. The proposed access road and associated infrastructure would be in very close proximity to the shared boundaries with No. 23 and 25 Echo Hill. Furthermore, the access would serve up to 84 dwellings. As a result, vehicle movements entering and leaving the development site would introduce frequent noise and disturbance immediately adjacent to both Nos. 23 and 25 Echo Hill and their gardens. Although some mitigation could be secured by condition, given the close relationship between the access and the boundaries of No. 23 and 25 Echo Hill, it is unlikely that mitigation would adequately address the impact. The proposed access arrangements and associated traffic movements would therefore result in a significant increase in noise and activity and therefore significant and permanent loss of amenity to No. 23 and 25 Echo Hill which would be harmful to the living conditions of occupiers of those dwelling houses.
- 4.3.87. In addition to the above impacts on No. 23 and 25 Echo Hill. The proposed development would result in wider impacts to amenity for those living along Echo Hill, which is a relatively quiet residential cul-de-sac. The proposed development would result in traffic associated with up to 84 dwellings using Echo Hill to travel beyond the site. The increased traffic movements to and from the site would result in increased noise and disturbance and have a harmful impact upon the existing quiet character of the road.
- 4.3.88. While the application is accompanied by a Noise Screening Report and Planning Statement, no consideration has been given to the impacts of the proposed development upon the immediately adjoining residential properties and the wider residential area.

- 4.3.89. Furthermore, it is acknowledged that the Council's Environmental Health Officer has not raised any objections or concerns in relation to noise. However, through assessment of the scheme against planning policy, harm has been identified to the amenities of neighbouring occupiers.
- 4.3.90. In conclusion of the above, the proposed development would result in significant adverse impacts to the amenity of nearby residential occupiers. The proposal would therefore conflict with Policy D3 of the NHLP and paragraph 135 f) of the NPPF. Given the high level of harm identified to neighbouring occupiers from the proposed development and associated traffic movements through the access, significant weight is given against the scheme in the planning balance.

Design and Layout

- 4.3.91. Paragraph 131 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 4.3.92. Paragraph 135 of the NPPF states that planning decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and optimise the potential for the site to accommodate and sustain an appropriate amount and mix of development.
- 4.3.93. Policy SP9 of the NHLP sets out that the Council considers good design to be a key aspect of sustainable development. The Council will support new development where it is well designed and located and responds positively to its local context.
- 4.3.94. Policy D1 of the NHLP states that planning permission will be granted for development proposals that respond positively to the site's local context. Policy D1 also requires that proposals take all reasonable opportunities, consistent with the nature and scale of the scheme, to create or enhance public realm, optimise the potential of the site by incorporating Sustainable Drainage Systems (SuDS), reduce energy consumption, retain existing vegetation and proposed appropriate new planting, maximise accessibility, legibility and physical and social connectivity both internally and within neighbouring areas, future proof for change in technology and lifestyle, design out opportunities for crime and anti-social behaviour, and minimise the visual impact of street furniture and parking provision.
- 4.3.95. This an outline application with all matters reserved save for access. At this stage, a detailed layout of the site is not required and are not being assessed within this report. These details would come forward as part of Reserved Matters applications.
- 4.3.96. A development framework plan has been submitted alongside the application. This plan demonstrates that up to 84 dwellings could be accommodated within the site with access from Echo Hill. It is considered that the indicative approach to the site would be suitable and allow for the submission of Reserved Matters applications that would align with the approach outlined.

Flood Risk and Drainage:

- 4.3.97. Paragraph 181 of the NPPF sets out that when determining planning applications, LPAs should ensure that flood risk is not increased elsewhere.

- 4.3.98. Paragraph 182 of the NPPF states that *'applications that could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal.'*
- 4.3.99. Paragraph 187 e) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment *'by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality'*.
- 4.3.100. SP11 of the NHLP set out that the Council will Take a risk based approach to development and flood risk, directing development to areas at lowest risk in accordance with the NPPF and ensuring the provision of Sustainable Drainage Systems (SuDS) and other appropriate measures.
- 4.3.101. Policy D1 sets out that permission will be granted for proposals that take all reasonable opportunities to optimise the potential of the site by incorporating SuDS.
- 4.3.102. Policy NE7 and NE8 of the NHLP seek to ensure that development will be located, designed and laid out to ensure the risk of flooding is reduced while not increasing flood risk elsewhere, and incorporate the most appropriate sustainable drainage solution for the site.
- 4.3.103. The application is supported by a Flood Risk Assessment (FRA). This considers the risk to flooding from a variety of sources.
- 4.3.104. The site is located entirely in Flood Zone 1, signifying that the site has the lowest probability of fluvial flooding. The applicants FRA also sets out that the site is not affected by any risk to surface water flooding, is not close to any reservoir flood risk area, and the groundwater flood risk is negligible.
- 4.3.105. The Council has consulted the Lead Local Flood Authority (LLFA) on the application. The LLFA have objected to the proposed development on the grounds that the proposed SuDS are likely to increase the risk of flooding elsewhere and therefore fails to comply with the aforementioned relevant planning policies. The LLFA have requested additional information be provided in order to address the concerns raised within their consultation response.
- 4.3.106. In the absence of an acceptable FRA and the potential for increased risk of flooding elsewhere, the proposed development would fail to comply with Policies NE7 and NE8 of the Local Plan and Sections 12 and 15 of the NPPF. Significant weight is given against the proposal in the planning balance.

Ecology and Biodiversity Net Gain:

- 4.3.107. Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 4.3.108. Paragraph 193 of the NPPF sets out that when determining planning applications, LPAs should apply the following principles:

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

4.3.109. Local Plan Policy SP12 sets out that the Council will protect, enhance and manage biodiversity networks including wildlife corridors, ancient woodlands and hedgerows, wetland and riverine habitats, Local Geological Sites, protected species, priority species and habitats, and non-designated sites of ecological value and ensure measurable net gains for biodiversity.

4.3.110. Furthermore, Policy SP12 sets out that the Council will protect, enhance and manage nationally designated sites. Therfield Heath is considered to be a nationally designated site by reason of its designation as a Site of Special Scientific Interest (SSSI). Natural England and the Conservators of Therfield Heath were consulted on the proposal. Natural England consider that without appropriate mitigation the proposed development has potential to damage or destroy the interests of features which Therfield Heath SSSI and Local Nature Reserve has been notified, and a package of mitigation measures and/or financial contributions would be required in accordance with the Therfield Heath SSSI Mitigation Strategy. The Conservators of Therfield Heath confirm that the development should provide the following:

- On-site high quality Suitable Alternative Natural Green Space (SANG) at or above 8ha per 1000 population;
- £1000 (indexed from Q1 2025) per dwelling for “management measures” to mitigate impact on the SSSI
- A capital contribution towards facilities on or near the Heath.

4.3.111. Without adequate mitigation measures the proposed development would result in harm to the nearby SSSI. The submitted Preliminary Ecological Appraisal acknowledges the impact upon the SSSI and that mitigation measures would be required. It indicates that 5.89 ha of green infrastructure would be provided which exceeds Natural England’s SANG 8ha/1000 population of green infrastructure. This will potentially include a community orchard, circular walking routes and areas of amenity grassland and grassland restoration. The PEA concludes that subject to securing this open green space and financial contributions to Therfield Heath SSSI in accordance with the Mitigation Strategy the impact upon the SSSI would be

adequately mitigated. Officers agree that such mitigation measures would be required. Contributions are set out in the table at 4.3.133 of this report.

- 4.3.112. Policy NE4 states planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with the hierarchy and status of designations and features listed in Policy SP12.
- 4.3.113. The applicant submitted additional information in November 2025 consisting of an Ecological Impact Assessment, Biodiversity Net Gain (BNG) Metric and Biodiversity Net Gain Assessment: Design State document.
- 4.3.114. NHC consulted Place Services (Ecology) following the receipt of the additional documents. Following review, Place Services commented that they were satisfied that sufficient ecological information had been submitted to support determination of this application and had no ecological objection to the proposed development subject to conditions.
- 4.3.115. The proposed development would fail to deliver a 10% increase in BNG on site. However, the applicant proposes off-site biodiversity delivery in order to offset on-site loss and comply with the 10% requirement.
- 4.3.116. The development would consist of a habitat unit loss of 18.45 (-32.27%) and a hedgerow unit gain of 1.87 (+20.79%). 24.17 habitat units would be secured off-site.
- 4.3.117. The proposed development would achieve a 10% biodiversity net gain in compliance with the statutory requirements set out within the Environment Act 2021. Given that the site is meeting a statutory minimum, neutral weight is given in the planning balance.

Sustainability Appraisal:

- 4.3.118. Chapter 2 of the NPPF Achieving sustainable development requires the sustainability credentials of proposals to be considered. Paragraph 8 requires that all three objectives – economic, social and environmental - of the planning system would be met. Chapter 14 Meeting the challenge of climate change, flooding and coastal change confirms that the planning system should support the transition to a low carbon future in a changing climate.
- 4.3.119. D1 of the NHLP sets out that the Council will support development proposals that reduce energy consumption and waste.
- 4.3.120. The application is accompanied by an Energy, Sustainability & Waste Management statement.
- 4.3.121. Given that the application is for outline permission, the statement provided is broad and finer details can be expected as part of a future reserved matters application. Based on the submitted statement, the proposed development would broadly comply with planning policies in relation to waste and energy. However, as set out in the report above, the application site is not considered to be in a sustainable location by reason for the inaccessibility of the site to public transport and the difficulty of the topography for all users.
- 4.3.122. In conclusion of the above, limited weight is given in favour of only the energy and waste sustainability credentials put forward by the applicant.

Loss of Agricultural Land:

- 4.3.123. Paragraph 187 (b) of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land.
- 4.3.124. Footnote 65, which relates to paragraph 187 of the NPPF states '*where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality*'.
- 4.3.125. Best and most versatile land (BMV) is defined in the NPPF as land in grades 1 (excellent quality), 2 (very good quality), and 3a (good quality) of the Agricultural Land Classification.
- 4.3.126. Based on data from DEFRA, the application site comprises predominately of grade 3a agricultural land, some grade 2 land, and a small amount of grade 3b land. For the purposes of the NPPF, the site is BMV. It should be noted that a high proportion of the district is BMV land.
- 4.3.127. Whilst the proposal would result in the loss of BMV agricultural land, it is acknowledged that the loss of some BMV land will be necessary to achieve the District's housing needs, which could not be met within existing urban areas. Overall, the proposal would result in the permanent loss of a small area of BMV within the district and therefore moderate weight is given to the harm in the planning balance.

Environmental Impacts:

- 4.3.128. Following consultation with the Council's Environmental Health Officer, no objections or concerns have been raised with regards to noise, air quality, or land contamination although conditions have been requested.
- 4.3.129. While no objections or concerns have been raised by the Environment Health officer with regards to noise, the report above has found harm arising to neighbouring properties on Echo Hill as a result of the proposed vehicular access and associated traffic.

Section 106:

- 4.3.130. In considering planning obligations in relation to this development NPPF para. 58 advises that: 'Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.'

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

4.3.132. The development proposes the provision of 34 affordable homes, which amounts to 40% of the development. The breakdown of affordable housing types and tenures has not yet been specified by the applicant.

4.3.133. The contributions sought from the proposed development are set out in the table below:

Element	Detail and Justification	Condition / Section 106
Sports Facilities (Sports England)	Towards the additional demand for key community sports facilities created by a new population. £47,894 towards Swimming Pools £3,077 towards Outdoor Tennis Courts	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD
Playing Pitches (Sports England)	Towards the additional demand for playing pitches generated from a new population. £5,075 towards Adult Football £13,011 towards Youth Football £2,892 towards Mini Soccer £5,253 (pitch) + £12,516 (changing room) towards Rugby Union £12,423 towards Cricket £2,455 towards Sand Based Pitches Changing Rooms £17,284 towards 3G Pitches	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD
Primary Education	Towards additional school provision in Royston. £1,091,749 index linked to BCIS 1Q2024	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer

		Infrastructure Contributions' 2024
Secondary Education	Towards the expansion of King James Academy and/or provision serving the development. £1,005,264 index linked to BCIS 1Q2024	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2024
Childcare Contribution	Towards increasing capacity of 0-2 year old childcare facilities at Little Acorn Nursery and/or provision serving the development. £5,444 index linked to BCIS 1Q2024	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2024
Childcare Contribution	Towards increasing capacity of 5-11 year old childcare facilities at a provision in Royston and/or provision serving the development. £1,341 index linked to BCIS 1Q2024.	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2024
Special Educational Needs and Disabilities (SEND)	Towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development. £163,710 index linked to BCIS 1Q2024.	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2024

Library Service Contribution	<p>Towards increasing the capacity of Royston Library and/or provision serving the development.</p> <p>£23,201 index linked to BCIS 1Q2024</p>	<p>Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD</p> <p>HCC 'Guide to Developer Infrastructure Contributions' 2024</p>
Youth Service Contribution	<p>Towards resource requirements to support the delivery of youth work with young people in the area, people in the area, and/or provision serving the development.</p> <p>£23,484 index linked to BCIS IQ2024.</p>	<p>Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD</p> <p>HCC 'Guide to Developer Infrastructure Contributions' 2024</p>
Waste Service Transfer Station Contribution	<p>Towards the new provision at the Northern Transfer Station and/or provision serving the development.</p> <p>£23,227 index linked to BCIS IQ2024.</p>	<p>Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD</p> <p>HCC 'Guide to Developer Infrastructure Contributions' 2024</p>
Fire and Rescue Service	<p>Towards the expansion or reprovision of Royston Fire Station and/or provision service the development.</p> <p>£36,053 index linked to BCIS IQ2024.</p>	<p>Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD</p> <p>HCC 'Guide to Developer Infrastructure Contributions' 2024</p>

Monitoring Fees	HCC Monitoring Fees 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)	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2024
Policing Contribution	Towards additional staff and vehicles. £7078.47 to be index linked	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD (2022)
Therfield Heath Mitigation (Conservators of Therfield Heath)	Funding of £1190 per dwelling towards management measures and funding of a Warden. £99,960 index linked	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD (2022). Therfield Heath Mitigation Strategy (Nov 2022).
Affordable Housing Contribution	On site provision of 40% affordable housing.	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD
NHC Monitoring Fees	One off monitoring fee of 2.5% with a cap of £25,000 to cover the monitoring of all obligations (except for those relating to HCC).	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD

4.3.134. The above obligations would form part of a Section 106 agreement. No Section 106 agreement has been completed. The proposed development would fail to comply with Policy SP7 of the NHLP.

Planning Balance and Conclusion:

- 4.3.135. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 requires a Planning Authority to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 4.3.136. The Council cannot demonstrate a five-year housing land supply and therefore the local plan policies most important for determining this application are out-of-date and the 'tilted balance' is engaged in favour of the provision of housing.
- 4.3.137. The proposed development would provide up to 84 dwellings, 50 of which would be market homes. The provision of these homes is given significant weight in favour of the proposal.
- 4.3.138. In addition to the 50 market homes, the development would deliver 34 affordable homes. Given the shortfall of affordable home provision within the district and the consistent under delivery year on year, the provision of affordable homes are given very significant weight in favour of the proposed development.
- 4.3.139. The proposed development would generate economic benefits through the construction of the site. Although these benefits would be temporary. Economic benefits to the locality created by future occupiers would be modest given the scale of the site. The economic benefits of the scheme are given moderate weight in favour of the proposed development.
- 4.3.140. The applicant states that a benefit of the proposal would be an '*extensive network of proposed recreational routes around the site and connecting to wider footpaths to the south and linking to Therfield Heath*'. At this outline stage, plans are indicative of what could be provided on site. It is acknowledged that the site would feature large areas of open space. A single pedestrian connection to the bridleway to the south is shown on plan. However, at this outline stage, limited weight is given in favour of the proposal.
- 4.3.141. The energy and waste sustainability credentials of the proposed development are given limited weight in favour of the proposal. The site, by reason of its location and lack of accessibility to public transport, is not considered sustainable however, the issue of the sustainability and accessibility of the site is considered elsewhere in the report.
- 4.3.142. Significant visual harm has been identified to the locality and to the landscape character of the area by reason of the prominence of the site and its topography. The harm identified is consistent with the harm identified as part of previous planning applications on the site. While there has been a reduction in the number of homes proposed, the indicative layout sets out that the development would take on a similar built form to that previously proposed. The harm identified is given significant weight against the proposed development.
- 4.3.143. The proposed development, given its location, would not provide future occupiers a genuine choice of transport modes and is therefore considered to be an

unsustainable development. Significant weight is given against the proposed development.

- 4.3.144. Furthermore, the applicant has been unable to demonstrate that the access to the site would be safe and accessible for all users. Therefore, significant weight is given against the development.
- 4.3.145. The impact of the proposed access and the traffic associated with the access would result in a high level of harm to the amenities and living conditions of nearby neighbouring occupiers. Significant weight is given against the proposal.
- 4.3.146. In the absence of an acceptable FRA and the potential for increased risk of flooding elsewhere significant weight is given against the proposed development.
- 4.3.147. The proposed development would result in the loss of best and most versatile agricultural land and harm has therefore been identified. Moderate weight is given against the proposed development.
- 4.3.148. Neutral weight is given to biodiversity net gain, mitigation of impacts upon Therfield Heath SSSI, heritage impacts including archaeology, and environmental impacts (air quality and land contamination).
- 4.3.149. In conclusion of the above, while the need for market and affordable housing within the district is demonstrable, and significant weight is attributed to the benefits that would arise from the delivery of market housing, with very significant weight to the delivery of affordable housing, the identified harm that would arise from the proposed development would significantly and demonstrably outweigh the benefits of the scheme. Planning permission should be refused.

5. Climate Change Mitigation Measures

- 5.1. Climate change has been addressed throughout this report and is a matter at the heart of this application in terms of the significant contribution the proposed development would make to renewable energy generation and the goal of achieving net zero carbon within the District by 2040 and within the UK by 2050.

6. Legal Implications

- 6.1. 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 where restrictive conditions are attached, the applicant has a right of appeal against the decision.

7. Recommendation

- 7.1. That planning permission is resolved to be **REFUSED** for the following reasons:
 1. By reason of its prominent position, the topography of the site, and location outside the settlement boundary of Royston, the proposed development would result in significant localised adverse impacts on both the character of the area and visual receptors, particularly when viewed from certain locations on Therfield Heath and adjacent public bridleways. While these impacts could be

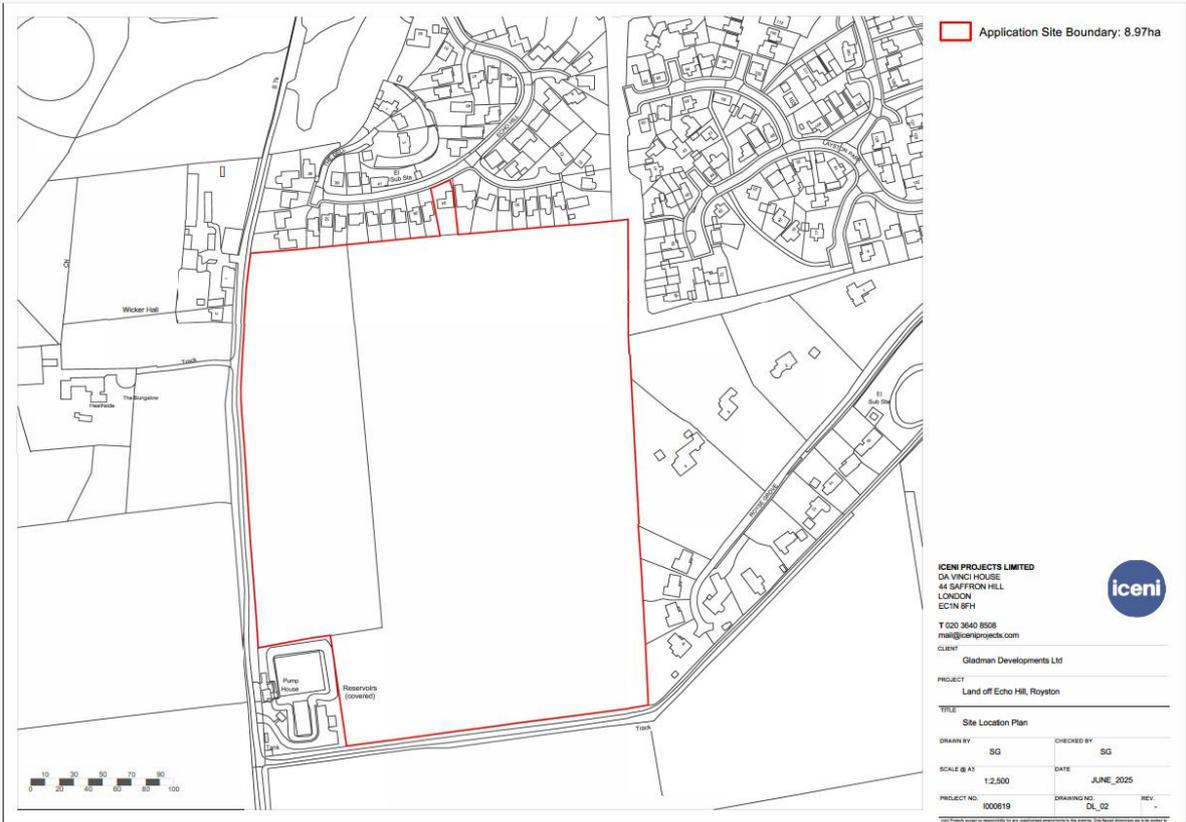
mitigated to a limited extent, the combination of residential built form on high ground, the associated urbanising infrastructure, and development breaking the skyline, would act to occasion a marked and adverse change in the character of the immediate and intermediate locality and wider valued landscape. This adverse impact would conflict with Policies SP9, SP12, and NE1 of the North Hertfordshire Local Plan 2011-2031, and Section 12 and Section 15 of the National Planning Policy Framework (2024).

2. By reason of the location of the application site, the topography of, and distance from the closest bus station, the proposal would represent an unsustainable development and would not give all users of the development a genuine choice of transport modes. The proposal would therefore fail to comply with Policies SP6 and T1 of the North Hertfordshire Local Plan 2011-2031, Policies 5 and 6 of the Hertfordshire Local Transport Plan, and Section 9 and 12 of the National Planning Policy Framework (2024).
3. In the absence of sufficient detailed information, the applicant has failed to demonstrate that a safe and suitable access can be provided to serve the proposed development for all users. The Local Planning Authority and Highways Authority cannot conclude that the proposal would not result in an unacceptable impact on highways safety. The proposal is therefore contrary to Policies SP6 and T1 of the North Hertfordshire Local Plan, Policy 5 of the Hertfordshire Local Transport Plan, and Section 9 and 12 of the National Planning Policy Framework (2024).
4. By reason of the scale of the development proposed, the location of the proposed access and the associated traffic movements through the access, the proposed development would result in significant adverse impacts to the amenities of nearby neighbouring residential properties, and in particular the living conditions of occupiers of Nos. 23 and 25 Echo Hill. The proposal would therefore fail to comply with Policy D3 of the North Hertfordshire Local Plan 2011-2031 and Section 12 and 15 of the National Planning Policy Framework (2024).
5. In the absence of an acceptable Flood Risk Assessment, the proposal has failed to demonstrate that the development would not give rise to the potential for an increased risk of flooding elsewhere. The proposed development would fail to comply with Policy NE7 and Policy NE8 of the North Hertfordshire Local Plan 2011-2031 and Sections 12 and 15 of the National Planning Policy Framework (2024).
6. At the time of determining the planning application, the subject of this decision notice, has not been accompanied by a valid legal undertaking (in the form of a completed S106 Obligation) securing the provision of the requisite infrastructure and financial contributions towards off site infrastructure or on site affordable housing. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Developer Contributions Supplementary Planning Document (2023), Policy SP7 of the North Hertfordshire Local Plan 2011-2031 and Section 4 of the National Planning Policy Framework (2024).

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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<u>Location:</u>	Land East Of Garden Walk And North Of Newmarket Road, Garden Walk, Royston, Hertfordshire
<u>Applicant:</u>	Vistry Homes
<u>Proposal:</u>	Variation of condition 1 (revised plans) of planning permission 17/02627/1 granted 30.05.2018 for Application for approval of reserved matters comprising of access, landscaping, layout, scale and appearance of Phase 1 the development (pursuant to Outline application 14/02485/1 granted 07/12/2016) as amended by plans received on 22 December 2017; 30 January 2018; 27 March 2018; 18 April 2018; and 02 May 2018.
<u>Ref. No:</u>	24/02656/S73
<u>Officer:</u>	Sarah Kasparian

Date of expiry of statutory period: 3 March 2025

Extension of statutory period: 25 February 2026

Reason for referral to Committee: Major development with a site area over the 0.5 hectare threshold.

Reason for delay: Discussions and negotiations on various technical aspects, further information received and additional consultation exercises that were undertaken as a result.

1. **Site History**

- 1.1. Outline permission ref. 14/02485/1 relates to residential development for up to 330 units and community open space with access onto the A505. The site relates to site allocation RY2. Reserved matters for phase 1 were approved ref. 17/02627/1 for 83 units and included landscaping, layout, scale, access and appearance, which was amended by 21/02194/S73 relating to a change to a road layout near the drainage basin.
- 1.2. This application relates to variation of condition 1 to planning permission ref. 21/02194/S73 referring to the list of approved plan numbers. This S73 application supersedes the application for reserved matters for phase 1 ref. 17/02627/1.
- 1.3. All applications that have been made to discharge conditions subject of outline application ref. 14/02485/1 have all been approved. There were no conditions that needed to be discharged under application ref. 21/02194/S73 as they had all been approved previously. These conditions could be carried over onto the decision notice for this current application should it be approved.

1.4. Related to the 'community open space' on site, the following obligations or applications include:

- 21/00996/NMA application for a non-material amendment to application for reserved matters ref 17/02627/1 – relating to 'the inter-face and access to the Community Open Space that was approved as part of the site wider landscape arrangements, which were included within the Phase 1 RM application...' Specifically these included:
 - Further details relating to the gradient of the COS along the boundary with phase 3 of the development;
 - The introduction of a lower-level pathway through the COS in a north/south direction.
 - The introduction of additional access points into the COS in the form of two sets of steps and the step-free ramp.
- In line with Schedule 2 Part 1 Clause 11 in the S106 agreement to outline application ref 14/02485/1, an 'Open space Scheme, Open Space Programme and Open Space Management Plan' was agreed in writing with officers dated 7/12/2028.
- Financial obligations relating to the management and maintenance of the open space have been met, but the land should have been transferred to North Herts Council to take on ownership, management and maintenance 'pre-commencement' of development on site.

1.5. It is also noted that application ref. 18/0359/RM is reserved matters for Phase 2 of the development and has been approved and a series of applications to discharge conditions has followed.

1.6. Applications ref. 19/02865/RM and 19/02866/RM were two options for reserved matters for Phase 3 of the development that were both approved; and the latter of which has been implemented together with various applications to discharge conditions and non-material amendment.

2. Representations

2.1. **Hertfordshire Ecology** – There have been several rounds of amending the Landscape and Ecological Management Plan and there is now no objection to the details.

2.2. **NHC Greenspaces** – No objection in principle, however consideration given to the practical arrangements for maintaining the land given that this Council was due to adopt the land identified within the red line as greenspace (known as Community Open Space COS). Report by external party to review maintenance requirements for adopting the land with the new levels has reassessed the cost of the initial and ongoing works, as well as access arrangements. This has resulted in changes to the heads of terms.

2.3. **Hertfordshire Highways** – No objection.

2.4. **Hertfordshire Archaeology** – No comments.

- 2.5. **Royston Town Council** – No objection.
- 2.6. **Environmental Health** – No objection.
- 2.7. **Environment Agency** – No objection.
- 2.8. **Lead Local Flood Authority (LLFA)** – No comments as there are no proposed change to flood risk or drainage matters.
- 2.9. **Place Services: Landscape** – Initially Place Services questioned the impact of the proposals on the landscape, where there had been no assessment of the changes. Following the submission of additional information, alongside amendments to the proposals in terms of the increased height of land across the ‘Community Open Space’, Places Services have been able to assess the impact. There is still a concern about the increased levels, which in the amended scheme are preferable compared to the original plans submitted with this application. Place Services acknowledge that the difference of opinion between them and the applicants landscape consultant is ‘not substantial’.
- 2.10. It is noted that a number of consultees did not respond to the consultation but given the very limited scope for consideration it is not anticipated specific comments from outstanding parties is needed.
- 2.11. A total of 443 neighbours had been notified of this application and subsequent amendments. No neighbour representations have been received to either public consultation.

3.0 Planning Considerations

3.1 Site and Surroundings

- 3.1.1 The site relates to phase 1 of the wider development located to the east of Royston, enclosed by the A505 to the east; Newmarket Road to the south; and Hawthorn Way/Garden Walk. Phase 1 comprises the far north-eastern portion of 83 homes out of 330 across the whole site together with greenspace and the ‘community open space’ to the south.
- 3.1.2 The site is accessed from a new roundabout off the A505 and the new ‘spine road’ now known as Lilburn Avenue runs mainly north to south through the site from which secondary roads loop off or form cul de sacs of residential development.
- 3.1.3 The application relates to the ‘community open space’ at the southern end of the site. It comprises land of a higher topography compared to the rest of the site and in a broadly triangular shape. Its former use was arable land, but through the outline permission its purpose was for chalk grassland and public amenity. There is a perimeter footpath linking around the whole of the site. Also secured through reserved matters ref. 17/02627/1 and associated conditions, steps up from the road running parallel to the bottom of the slope, and a short section of retaining wall along the part of the edge adjacent to the housing development.

3.2 Proposal

- 3.2.1 The application seeks to increase the height of the land compared to the approved plans. This is a result of depositing of excess earth from elsewhere across this development site for housing onto the area to be retained as Community Open Space.
- 3.2.2 It should be noted that the alternative of approving this proposal (or implication of a refusal of planning permission) is that the excess earth which has been deposited will need to be removed from the site, which the applicant states would require 6,200 lorry movements through the now nearly complete housing development.

3.3 Key Issues

- 3.3.1 The impact of the proposals on landscape and ecology, and planning obligations will be addressed, before concluding.

3.4 Landscape

- 3.4.1 A principal issue for this application relates to the impact of the proposed changes to the ground level of the community open space on the wider landscape. NPPG Para 174 indicates that the intrinsic character and beauty of the countryside should be recognised. The NPPF does not seek to protect the countryside for its own sake from development, rather it concentrates on seeking to protect valued landscapes. The site does not form part of any designated landscape. The NPPF does not define what is a valued landscape, albeit most landscapes are valued in one form or another, but case law demonstrates that value lies in it being considered more than just open countryside.
- 3.4.2 NHLP Policy NE1 seeks to protect, conserve and enhance the strategic green infrastructure network. Policy NE2 confirms that planning permission will be granted for development proposals that respect the sensitivities of the relevant landscape character, do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation measures necessary to achieve this, ensure the health and future retention of important landscape features and have considered the long-term management and maintenance of any existing and proposed landscaping.
- 3.4.3 The outline planning application considered some planning history before 2015, when this outline application was considered by a previous planning committee. However, now of relevance was that the area is characterised by Royston sitting in a shallow bowl of the East Anglian heights chalk escarpment, which ranges generally between 40-100 AOD. The committee report acknowledged the site is located within the Landscape Character Area 228 (scarp slopes south of Royston), which is a large character area with low capacity for development. Officers considered at the time that this site was set apart from the character area, which would have benefited from subdivision, but resolved that there should be no development above 80m AOD, which is how the line was drawn to exclude the COS from development and allocated it for open space. It was noted that Royston, due to its surrounding landscape character, viewing residential development on higher ground is part of its character, and so this development would not be out of place. Overall, it was considered that the COS allocation helped to reduce the visual impact of the development as a whole on the landscape character area, and therefore the impact on the

landscape was acceptable. It was agreed in the outline application that the COS would comprise chalk grasslands in the interests of biodiversity and nature conservation.

- 3.4.4 The application for phase 1 reserved matters then included the landscaping detail for the COS. It was noted that an open space scheme, open space programme and open space management scheme was approved in accordance with the S106. It was noted that the COS would comprise chalk grass land and that landscaping detail was set out in that application for reserved matters and described as a '*key landscape feature of the site*'.
- 3.4.5 Place Services (Landscape) provided advice to Officers on the impact of the proposals on the landscape. Following the receipt of a landscape assessment from the applicant, the plans were amended to reduce the highest levels originally proposed. Place Services commented that the amended scheme was preferable but still had concern about the increased levels in principle. Place Services acknowledge that the difference of opinion between them and the applicants landscape consultant was 'not substantial'.
- 3.4.6 The amended LEMP submitted with this application continues to propose that the site would remain as chalk grassland, which compliments the provision at Therfield Heath, and would improve the quality of the land, which was previously in arable rotation. While the levels and form of the site would change as a result of this application, the purpose, of using the land for natural grassland is supported. The fact that the land would be steep would help to prevent many people using it too extensively, thereby assisting with its purpose.
- 3.4.7 Further request from Officers resulted in the submission of a ground stability assessment, to ensure that the increased levels is safe and has been undertaken in accordance with regulations. The report states that the work has been done over and above requirements for depositing inert material.
- 3.4.8 Officers note that while the deposit of inert material on the site is not ideal in terms of its impact on either the wider landscape or locally, there is not a significant landscape reason to refuse the application. The proposals are therefore considered to be in accordance with the NPPF 2024 and NHLP Policies NE1 and NE2.

3.5 Ecology

- 3.5.1 The other principal issue associated with the proposals relates to the impact on ecology and habitats. Chapter 15 of the NPPF requires decisions to contribute to and enhance the natural environment. NHLP policies SP1, SP12, NE4, NE6 and NE8 seek to protect, enhance and manage the natural environment.
- 3.5.2 In consultation with Hertfordshire Ecology, the applicant has prepared a 'landscape and ecological management plan' (LEMP), which is common practice on sites like this now, but goes beyond the requirements of the original planning permission and associated s106.
- 3.5.3 The scheme was given planning permission well before mandatory biodiversity net gain was introduced, but this submitted LEMP supports introduction of native chalk grasslands and associated habitat and biodiversity. The purpose of this open space was for natural chalk grassland, like that found at Therfield Heath and characteristic of the area. The plan is supported by Hertfordshire Ecology.

- 3.5.4 The applicant will finish the levels of the community open space as per the submitted plans, and in preparation for the council to adopt the land and employ an external supplier to undertake initial restoration works ready for future long terms maintenance. A further amended version will be needed should this application be resolved to be granted planning permission, to address the needs of Greenspaces in restoring, managing and maintaining the land. The amended version will be in consultation with HCC Ecology and NHDC Greenspaces.
- 3.5.5 The proposals are therefore considered to be in accordance with the NPPF and NHLP policies SP1, SP12, NE4, NE6 and NE8.

3.6 Planning Obligations

- 3.6.1 A requirement of the S106 to the outline planning permission required the applicant to transfer the land identified as 'community open space' to North Hertfordshire Council before the occupation of any dwelling on site. The applicant is currently in breach of the legal agreement as the majority of the site is complete and occupied and the land has not yet been transferred.
- 3.6.2 The applicant also previously committed to paying a management and maintenance contribution toward the initial costs of looking after the land. To confirm, this payment was made in accordance with the S106 terms.
- 3.6.3 As the levels and character of the COS has changed, and the applicant seeks to regularise that, Officers wanted to be certain that the District Council would be content in continuing to adopt the land given the material changes. The Greenspaces team has confirmed that this is acceptable, subject to changes to the LEMP to make the management and maintenance arrangements practical and realistic.
- 3.6.4 Due to the steep changes in levels now on the COS and the quality of the deposited soil, the contractor who would manage and maintain the council's greenspaces requires additional funding in order to restore the land to chalk grassland. Hydroseeding is proposed due to the steep levels over a period of time in order to ensure the grasslands are established. Greenspaces, with advice from the external contractor considers that there would be sufficient funds available maintain the land for an estimated 15-20 years, depending on how many cuts would be needed each year
- 3.6.5 Officers have therefore reviewed the obligations in the original s106 agreement and suggest the following new heads of terms that will need to be agreed in a deed of variation:
- Additional £21,928 in order to meet the difference in cost of the works involved in restoring the land as a result in the change of levels (or £6,006 if VAT is not included)
 - Change the trigger for the transfer of the land; ensure the levels on adoption are as per the drawings subject of this application
 - Ensure access arrangements from Newmarket Road are secured on adoption

- 3.6.6 A further modification to the obligations are proposed, although not relevant to this application, in relation to the footpath through Newmarket Road recreation ground, where there is limited flexibility on the location through the recreation grounds and so a change is proposed and the applicant agrees to enable a more flexible plan for different solutions to the installation of a new path through the park from the application site.
- 3.6.7 The applicant agrees to enter into a deed of variation with those heads of terms, thereby satisfying the requirement that the council can adopt the land with the costs required to undertake initial restoration works and given the change in circumstances on site.

3.7 Conclusion

- 3.7.1 This application relates to a variation of plans of the reserved matters permission for phase 1 and subsequent S73 ref 21/02194/S73. The changes are for an increase in ground levels of the community open space as a result of excess earth being deposited on the site. The application is supported by a current draft LEMP, which ecology support, but will need to be updated in consultation with HCC Ecology and NHDC Greenspaces ready for its implementation.
- 3.7.2 It is noted that the previous conditions attached to the reserved matters permission ref. 17/02627/1 had all been discharged where applicable, and conditions were brought forward to S73 application ref 21/02194/S73. It is recommended that the same conditions follow through should this application be approved. No other conditions are recommended provided that the LEMP is agreed before issuing the decision, otherwise there should be a condition for an updated LEMP. A Deed of Variation to the original S106 is required to be completed as set out above. The recommendation below reflects these considerations and changes to obligations.

4.0 Alternative Options

- 4.1 If the application were refused, there are implications for the applicant and the need to remove the excess earth that has been deposited on site. This will involve significant lorry vehicle movements to bring the level of the ground in line with the approved plans.
- 4.2 If the application were refused, there would also be implications for the transfer of the land adoption of the COS by the council. The District Council have committed to adopting the land at the previously approved ground levels. The applicant is in breach of the S106 and the appropriate enforcement action could be taken.

5.0 Pre-Commencement Conditions

- 5.1 Not applicable.

6.0 Legal Implications

- 6.1 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.

7.0 Recommendation

7.1 That planning permission be **GRANTED** subject the following:

- A) The completion of a satisfactory deed of variation to the original s106 agreement or similar legal mechanism to ensure delivery of the agreed Heads of Terms;
- B) The applicant agreeing to extend the statutory period in order to complete the Deed if required; and
- C) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required; and
- D) Conditions from planning permission reference 21/02194/S73 as set out below:

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

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

2. The development and construction works hereby approved must be carried out in accordance with the Tree Protection Measures within the Arboricultural Impact Assessment and Method Statement by ACD Environmental submitted alongside this application.

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.

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

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

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

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

5. Soft and hard landscaping shall be implemented within and around the basin and swales in accordance with the approved details submitted to and approved in writing by the Local Planning Authority under ref. 18/01959/DOC prior to commencement of that part of the development hereby approved. The details shall thereafter be implemented and maintained for a period of five years if any soft landscaping feature is damaged, dies or is removed.

Reason: To ensure the SUDs features present a high quality landscape feature which enhances the appearance of the development.

6. The provision of Bird and Bat Boxes shall be provided on the site in accordance with the details submitted and approved in writing by the Local Planning Authority under ref. 18/02049/DOC, including further provision to that shown on plan referenced 996/5/1 and full specification of integrated bird and bat boxes, the approved details through this condition shall be implemented and retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate ecological protection and mitigation measures are implemented in order to protect ecological value within the site.

7. All ecological measures and/or works shall be carried out in accordance with the details contained in Construction Method Statement (Ecology) produced by Green Environmental Consultants and dated January 2018. Evidence of successful completion of ecological measures should be provided to the Local Planning Authority.

Reason: To ensure that the ecological value of the site is maintained and respected during construction.

8. The updated Lighting Design Strategy Plan approved in writing by the Local Planning Authority under ref. 18/02098/DOC shall be provided in full on site. Details approved pursuant to this condition must then be implemented.

Reason: To ensure that the ecological value of the site is maintained and respected during construction and assess the quality of design of the hard landscaping feature.

9. The scheme detailing provision for on-site parking as well as safe pedestrian and vehicle access for construction workers for the duration of the construction period submitted to and approved in writing by the Local Planning Authority under ref. 18/02099/DOC must be implemented and maintained until the end of the construction unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway, pedestrian and vehicle safety.

10. Amended site plan and elevation details showing provision of external residential storage (including and allocating storage for at least three waste receptacles as well as a food waste bin) for dwellings submitted to and approved in writing by the Local Planning Authority under ref. 18/02100/DOC must be implemented prior to the occupation of any dwelling hereby approved and thereafter permanently maintained

Reason: To ensure adequate outdoor storage as required in association with the residential use of the site.

11. Further details regarding the enclosure, equipment and long-term maintenance and management of the Local Area for Play (LAP) submitted to and approved in writing by the Local Planning Authority under ref. 18/03127/DOC shall be implemented, managed and maintained in accordance with the details approved by way of this condition.

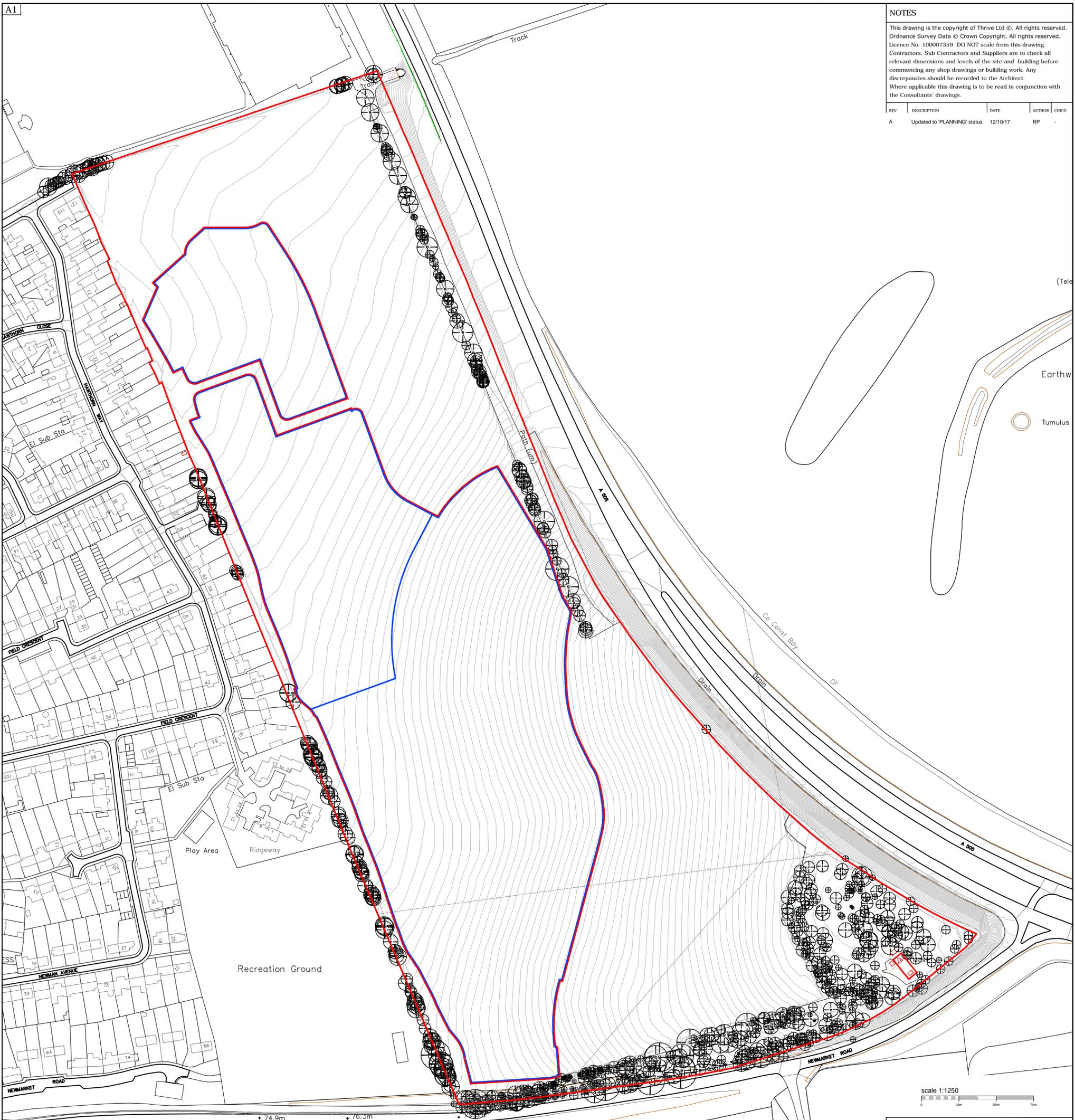
Reason: To ensure that the LAP area is delivered, maintained and managed for the long-term social benefit of the residents of the development.

Proactive Statement:

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

NOTES
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 Where applicable this drawing is to be read in conjunction with the Consultants' drawings.

REV	DESCRIPTION	DATE	AUTHOR	CHK'D
A	Updated to 'PLANNING' status	12/10/17	RP	-



PLANNING



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PROJECT
 Land North of Newmarket Road
 Royston
 For: Linden Royston (LLP)

DRAWING
 Location Plan
 Phase 1

SCALE	DATE	AUTHOR	CHK'D
1:1250@ A1	Oct '17	RP	-
JOB NO.	DRAWING NO.	REV	
LIND170123	LPP1.01	A	
CLIENT REF.			

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<u>Location:</u>	Land Between Shangri-La And Todds Corner Stevenage Road Todds Green Hertfordshire SG1 2JE
<u>Applicant:</u>	Mr A Watts
<u>Proposal:</u>	Erection of four detached dwellings including landscaping, parking and widening of existing vehicular access off Stevenage Road.
<u>Ref. No:</u>	25/02998/FP
<u>Officer:</u>	Alex Howard

Land between Shangri-La and Todds Corner CR

Date of expiry of statutory period: 31st January 2026

Extension of statutory period: 28th February 2026.

The final consultation/publicity period expired on 4th January 2026.

Reason for Delay: To present at an available meeting.

Reason for Referral to Committee: This application has been called in by Cllr McDonnell, in support of the objections raised by the Parish Council.

1.0 **Site History**

- 1.1 **25/00949/FP** - Erection of two detached dwellings with private gardens including landscaping, parking, and widening of existing vehicular access off Stevenage Road.
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 SP2: Settlement Hierarchy and Spatial Distribution
Policy SP5: Countryside and Green Belt
Policy SP6: Sustainable Transport
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP11: Natural Resources and Sustainability
Policy SP12: Green Infrastructure, Landscape and Biodiversity
Policy SP13: Historic Environment
Policy T1: Assessment of Transport Matters
Policy T2: Parking

Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
Policy NE1: Landscape
Policy NE2: Green Infrastructure
Policy NE4: Biodiversity and geological sites
Policy NE12: Renewable and Low Carbon Energy Development
Policy HE1: Designated Heritage Assets

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 **Wymondley Neighbourhood Plan 2016**

Policy NHE2 Biodiversity
Policy NHE3 Wildlife and Ecology
Policy NHE4 Green Infrastructure Policy
Policy NHE8 Landscaping Schemes
Policy NHE9 Historic Character and Heritage Assets
Policy GB1 Green Belt
Policy FR1 Flood Risk
Policy FR2 Flood Risk Management
Policy TM1 Roads

2.4 **Vehicle Parking at New Development SPD**

Sustainability SPD

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – Comments received from Todds Corner, 4 Adstone Road and 12 Gilders (neutral) stating the following:

- Concern that the proposal, including the access road close to the northern boundary, would cause unacceptable harm to amenity, through being overbearing. Further concerns with development creep post application.
- The proposal would erode the existing character and pattern of development, urbanising the area.
- The two front dwellings are set back from the highway and the established building line, which is inconsistent.
- A scheme of 4 dwellings cannot be considered limited infilling in the village, so it would conflict with the NPPF.
- Concern that permitting this scheme would set an undesirable precedent for future similar development.
- Request that the scheme incorporates at least four British Standard BS42021:2022 integrated Swift bricks, which could be secured by condition.

3.2 **Hertfordshire Highways** – No objection subject to two conditions and informatives.

3.3 **Wymondley Parish Council** – Objects to the proposal on a number of grounds (summary):

- There is no longer a gap between the two front dwellings to allow views to the land to the rear, reducing visibility to the countryside.
- Conditions should have been enforced to protect views of the countryside.
- Todds Green is not a village, it is a hamlet, so infilling development is not permitted under national policy.
- This is the only place in the hamlet to enjoy distance country views.
- The land to the rear was to be the BNG area for the previous scheme, which would be removed by the siting of two dwellings there instead.
- The access road may be sufficient for emergency vehicle access, but this is being achieved through loss of green space.
- Todds Green is a linear development in terms of character with only outbuildings to the rear, this would not be in keeping with that character.
- This is Green Belt land, and the scheme would cause harm to the Green Belt. This parcel was designated a strategic parcel in the Green Belt Review 2018.
- The repositioned front dwellings will become unsightly and out of character with the hamlet.
- The neighbouring homes will lose their views of open countryside.

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

3.6 **North Herts Waste and Recycling** – None received.

3.7 **North Hertfordshire Ecology** - No objection subject to conditions.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is an undeveloped site previously used as paddock land, located on the west side of Stevenage Road. Todds Green. The site lies between two residential properties – Todds Corner to the north and Shangri-La to the south. Opposite the site to the east are several other properties including ‘Thatched Cottage’ a grade 2 listed building. A shed and small stable are situated to the rear of the site. The eastern boundary of the site is demarcated by the existing field access, a post-and-rail fence, and a small number of modest shrubs. The southern and northern boundaries of the site are defined by hedgerows. Todds Green lies partly within North Hertfordshire and partly within Stevenage Borough. The site, together with other properties located to the west side of Stevenage Road lie within North Herts.

4.1.2 Todds Corner is a hamlet and does not have a defined settlement boundary. Therefore, the site is located within the Green Belt.

4.2 **Proposal**

4.2.1 Full planning permission is sought for the erection of four detached dwellings including landscaping, parking, and widening of existing vehicular access off Stevenage Road.

4.2.2 The scheme would involve the erection of two detached dwellings on the front part of the site facing Stevenage Road (Plots 1 and 2) between Todds Corner and Shangri-

La, with two dwellings (Plots 3 and 4) located to the rear part of the site. Plots 1 and 2 would be situated on a consistent building line with existing properties fronting Stevenage Road and have been designed in order to have a character and scale in keeping with the 'mock-Tudor' Edwardian character. Plots 3 and 4 would be situated to the rear and have been designed to have a similar architectural style to those to the front albeit they would have a scale between 1.5 and 2-storey. The proposed dwellings would be served by the existing vehicular access, which is to be widened to meet modern standards, with parking provided for at least three cars for each dwelling. A gated access route would be retained to the paddock land to the rear; this would be situated between the two rear dwellings. Cycle storage for three bicycles is to be provided within each of the dwellings, as well as a designated bin storage and collection points.

4.2.3 The application is supported by the following documents:

- Planning Statement
- Ecological Impact Assessment/BNG Report/Small Sites Metric
- Arboricultural Assessment
- Transport Statement
- Sustainability and Energy Statement
- Full Proposed Plans and Elevations

4.3 **Key Issues**

4.3.1 The key issues for consideration are the

- The Principle of Development
- Layout, Design, and the Impact on the Character of the Area
- Landscaping
- The Impact on Designated Heritage Assets
- Living Conditions
- Highways, Access, and Parking
- Ecology
- Surface Water Drainage/Flooding
- Waste and Recycling
- Environmental Health
- Climate Change/Sustainability
- 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 Policy SP2 of the Local Plan makes provision for at least 13,000 new homes between 2011-2031. Most new development (approx. 80%) is to be delivered in six key towns in the district and a further 13% of housing, along with supporting infrastructure and facilities will be delivered within the settlement boundaries of five villages. The remaining development will be dispersed across the district.
- 4.3.5 At the time of writing, the Council cannot demonstrate a five-year housing land supply with the figure sitting between 2.6 and 3.3 years. In this respect, the matters set out under Paragraph 11d of the NPPF become relevant. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission be granted unless; i: the application of policies in this 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.
- 4.3.6 The application site is within Todds Green, which is a hamlet and therefore is not designated as a categorised village under Policy SP2 of the Local Plan. Todds Green has no settlement boundary and is therefore within the Green Belt. This site would class as a windfall site, which is supported under Policy 73 of the NPPF generally.
- 4.3.7 Policy SP5 of the Local Plan covers the Countryside and Green Belt, where support is given to developments that are not inappropriate development or where Very Special Circumstances can be demonstrated.

Section 13 of the NPPF advises on such instances where development is considered in the Green Belt.

NPPF paragraph 142 confirms the great importance that the Government attaches to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 143 identifies the five purposes of Green Bet as:

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

Paragraph 153 of the NPPF sets out that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

Paragraph 154 of the NPPF sets out instances where development in the Green Belt is not inappropriate, one of which is:

e) limited infilling in villages;

- 4.3.8 In considering the previous application on this site for 2 dwellings under ref: 25/00949/FP against Paragraph 154e) of the NPPF. The committee report stated:

“The term ‘limited, infilling and village are not defined in the NPPF or the NHLP. The question of whether Todds Green can be regarded as a village has been queried by the Parish Council however Todds Green has a similar number of dwellings as Great Wymondley which is identified as a category B village in the North Herts Local Plan (although it has a pub, village hall and church).

Stevenage Borough Council have taken the view, in granting outline permission for 5 dwellings off Old Chantry Lane (SBC ref: 24/00196/OP), that their site should ‘be treated as limited infilling within the village of Todds Green’. SBC have also granted planning permission for 17 dwellings at the Courtlands Riding Stables on the basis that it was previously developed land but also falling within the village of Todds Green such that paragraph 154 e) also applied. SBC also consider that the Franklin Park development (133 homes) substantively extended the village to the south.

Regardless of the view of the adjoining authority over the status of Todds Green as a village the application site can accommodate 2 dwellings on plot sizes similar to others in the settlement and as located between two existing dwellings the development proposal could be regarded as both limited in the number of proposed dwellings and it would utilise a modest gap between existing development. Therefore, it is considered that the development is consistent with the wording of ‘limited infilling’

Todds Green comprises a typically linear built up frontage with some in depth development (such as the Courtlands site and the small industrial estate on the eastern side and that south of Shangri-La). Many of the residential plots border open agricultural fields / grazing land. In this case the application site is contiguous with the village linear pattern, fronting the main through road and its frontage framed around a roundabout junction. It is flanked by residential houses to the north and south and there is residential development opposite. It is considered that the site has a greater affinity to the village area than the rural landscape beyond to the west. The proposed houses themselves would appear as part of the built-up frontage with no perception of separation or intervening open ground. It is therefore considered that the site would lie within the village for the purposes of the assessment under paragraph 154 e) of the Framework.

Consequently, the proposed development of two dwellings would constitute limited infilling in a village in accordance with exception e) of paragraph 154 of the Framework. However, given that Todds Green is not identified as a settlement within the adopted local plan it is appropriate to consider the proposal against paragraph 155 of the Framework including whether the development would utilise grey belt land.

- 4.3.9 Planning permission was granted on this site for two dwellings fronting Stevenage Road in September 2025. This extant permission offers a valid fallback position to which significant weight can be attributed. Therefore, this proposal should be considered against the fallback position rather than the current circumstances at this site.

The approved development would utilise an existing modest gap between two existing dwellings on a prevailing building line, which is in-keeping with the linear character of development in Todds Green and the nearby decisions from Stevenage Borough Council are material considerations. However, as the proposal would include back land development it is considered that the development would not constitute limited infill within its context. In addition, Todds Green is not classified as a village in the Local Plan under Policy SP2. Consequently, it is considered that the proposal does not comply with Paragraph 154e) of the NPPF. Therefore, it is also necessary in this instance to consider the proposal against Paragraph 155 of the NPPF to see whether the proposal would utilise Grey Belt Land.

- 4.3.10 The revision to the NPPF in December 2024 introduced the concept of 'Grey Belt', which is defined in the NPPF glossary as follows:

"For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development".

- 4.3.11 The first step is to consider whether the site meets the definition of Grey Belt. The site is not previously developed land and is therefore submitted to be any other land that does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143 of the NPPF. The Planning Practice Guidance (PPG) and case law advise on how sites should be appraised against these purposes.
- 4.3.12 In respect of purpose a), *to check the unrestricted sprawl of large built up areas*, the PPG is clear that villages should not be considered large built up areas. Given that Todds Green is not designated as a village under Policy SP2 of the Local Plan, it is a hamlet, which is not a large built up area, the site does not strongly contribute to purpose a).
- 4.3.13 In respect of purpose b), *to prevent neighbouring towns merging into one another*, the PPG is clear that this purpose solely relates to towns merging, such that given Todds Green is not a village, and the site does not form a gap between towns in any case, the site does not strongly contribute to purpose b).
- 4.3.14 In respect of purpose d), *to preserve the setting and special character of historic towns*, Todds Green is not a town, and the site would not strongly contribute towards purpose d).
- 4.3.15 The next step is to consider whether there are any policies relating to areas or assets in NPPF footnote 7 that provide a strong reason for refusal. As set out later in this report, whilst there is a Grade II listed building, a designated heritage asset, towards the east of the site on the other side of Stevenage Road, it is considered that the proposal would have limited impact upon its setting and as a result, will not provide a strong reason for refusal. The other areas/assets under footnote 7 are not relevant in this case, such that there are no strong reasons for refusing development against the application of policies relating to areas/assets in footnote 7.
- 4.3.16 Officers are therefore of the view that the site is 'Grey Belt' from a definitional perspective. The next step is to consider the proposal against paragraph 155 of the NPPF.

4.3.17 Paragraph 155 of the NPPF addresses 'Grey Belt', which states as follows with justification set out:

"The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

The site is considered to be Grey Belt for the reasons set out above. The remaining matters require consideration of whether the development would fundamentally undermine the purposes, taken together, of the remaining Green Belt across the area of the plan. Purpose c), *to assist in safeguarding the countryside from encroachment*, would not be met by this proposal given that it is an open field which contributes to the countryside and would include development in depth with the two rearward plots. However, the site is a very small part of the North Herts Green Belt across the area of the plan, such that its contribution on a plan wide scale is very limited. In respect of purpose e), *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*, it is considered that there would be no conflict. Therefore, the proposal is not considered to fundamentally undermine the purposes of the Green Belt when taken together across the area of the plan.

b. There is a demonstrable unmet need for the type of development proposed;

As already identified in this report, the Council cannot demonstrate a five-year housing land supply with the figure sitting at 2.6 – 3.3 years. There is a demonstrable unmet need for housing which the proposal would deliver, in accordance with part b).

c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework

The site is located within the centre of Todds Green, which is a hamlet with limited services. The bus service through the village is also limited and future occupants of the proposed dwellings would need to travel to meet their day to day needs. The nearest facilities are within Symonds Green (local shops and health centre), Corys Mill (Sainsburys supermarket and petrol station) and Little Wymondley (pubs, church, and primary school). It is however acknowledged under Paragraph 110 of the NPPF that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this case, since the site would be close to a bus stop, opposite a public footpath and nearby services would be within reasonable cycling distance. Therefore, for a rural location it is considered that the development would be in a sustainable location for the purposes of Grey Belt as future occupiers would not be fully reliant upon the private car.

4.3.18 Given the scale of the development, which is not major, the proposal would not be required to meet the 'Golden Rules.'

4.3.19 As such, consistent with the conclusions set out in the previous committee report, it is considered that the proposed development meets the definition of Grey Belt and would comply with Paragraph 155 of the NPPF, which should be given significant weight as per Paragraph 158 of the NPPF. Therefore, the development is not considered to be inappropriate development in the Green Belt, so there is no further requirement to consider the impact of development on the openness of the Green Belt. This would

align with Policy SP5 of the Local Plan, Policy GB1 of the Wymondley Neighbourhood Plan, and Section 13 of the NPPF.

Layout, Design, and Impact on the Character of the Area

- 4.3.20 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.
- 4.3.21 The proposed four dwellings would be sited with two at the front and two at the rear. The frontage Plots 1 and 2 are proposed to be positioned set back from Stevenage Road, in a similar location to their approved siting for the extant consent under ref: 25/00949/FP, albeit set back slightly more from the highway and closer together. The proposed dwellings would have a high-quality design influenced by the mock Tudor Edwardian style found in the immediate vicinity, with their size and scale also being broadly consistent with dwellings to the north. The rearward Plots 3 and 4 would have a similar design, character, and form to Plots 1 and 2. They would have a reduced height and scale in comparison to the frontage plots in order to establish a sense of hierarchy between the larger plots to the front and those to the rear. Moreover, given their positioning to the west of Stevenage Road, the proposed rear plots would have a limited visibility from public viewpoints. The dwellings themselves would have a very generous plot sizes with large gardens and internal arrangements with five well-sized bedrooms across the first and second floors, with the primary living accommodation situated at ground floor. All of the main habitable rooms would have suitable access to natural light and ventilation.
- 4.3.22 The pattern of development in Todds Green is linear with most development comprising detached or semi-detached dwellings fronting Stevenage Road although there is some in depth development extending the settlement behind the built frontage, such as stables, equestrian facilities and the two small industrial unit sites on both the east and west side of the village. The application site is the only gap in the almost continuous built up frontage through the village. An Urban Grain Plan has been submitted showing the proposed dwellings in context with the wider extent of built form in Todds Green.
- 4.3.23 In terms of the frontage Plots 1 and 2, it is considered that these properties would be consistent with the linear character of the village, even though they would be set back slightly from the highway. These two dwellings would follow a similar building line and be of a similar two storey scale as the dwellings that flank the north and south boundaries. They would also present their main elevations to the road, in keeping with other dwellings in the vicinity with a parking area set behind a new hedgerow feature plus additional tree planting. In terms of design the dwellings would follow the Edwardian character of several of the older houses located along the western side of Stevenage Road using similar materials and external finishes. Given the siting and scale of the dwellings approved under the extant permission, these two front plots are considered similar and acceptable.
- 4.3.24 In terms of the rearward Plots 3 and 4, Officers note that these are proposed to be of reduced height and scale compared to the front 2 dwellings, to reduce their bulk and establish a hierarchy of built form and would largely be screened from view by the frontage development and landscaping. Officers also note the submission of the Urban Context Plan which shows existing built form rear of the established linear street scene in Todds Green. However, it would be atypical to have dwellings located to the rear of

frontage dwellings. Nevertheless, development in depth does exist in this hamlet and these dwellings are also proposed to be built to a high standard, reflecting the traditional character of Todds Green. Therefore, whilst the back-land form of the proposed development would be atypical of residential development in Todds Green it is considered that the design and appearance of the rearward dwellings respond well to local context.

- 4.3.25 The existing undeveloped nature of the site is mainly experienced at the roundabout junction by passing traffic and pedestrians, as well as those neighbours opposite and next to the site. However, it is considered that the site has no particular landscape features, being mainly open paddock land devoid of trees. Overall, there would be some diminishment of the open character of the site, but the proposed development would retain some gaps either side of the front two dwellings and this, together with new planting, would limit views to the rearward dwellings and the general urbanising influence of the scheme on the character and appearance of the area. There would be some harm to the character and appearance of the area compared to the fallback position through the loss of the opening between the two approved dwellings and development to the rear of frontage dwellings. Considering the built form either side and opposite to the site, together with the existing streetlamps, roundabout and road infrastructure, it is considered that the harm would be limited. Therefore, on balance the proposal would not fully accord with Policies SP9 and D1 of the Local Plan, Policy NHE9 of the Wymondley Neighbourhood Plan, and Section 12 of the NPPF. This harm will be considered against the benefits of the development later in this report.

Landscaping

- 4.3.26 An arboricultural assessment has been submitted with this application which demonstrates that the existing trees that lie toward the site boundaries would not be impacted by the development. This is considered acceptable.
- 4.3.27 Moreover, the application is supported by a landscaping plan which shows the extent of existing and proposed soft landscaping, with new hedgerows and trees planted throughout the site including on the sites frontage with Stevenage Road, as well as new hardstanding for the access road, parking areas, footpath, and patios. The proposed landscaping plan is considered acceptable and meets the requirements of Policy NE1 of the Local Plan and Policy NHE8 of the Wymondley Neighbourhood Plan.

The Impact on Designated Heritage Assets

- 4.3.28 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 Listed Buildings and 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.

- 4.3.29 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that where considering whether to grant planning permission for development which affects a listed building, or its setting special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses.
- 4.3.30 'Thatched Cottage' is a Grade II listed dwellinghouse located to the southeast and separated from the site by Stevenage Road. The submitted Heritage statement evaluates the setting and significance of the listed building as follows:
- 'Thatched Cottage is situated directly opposite Shangri-La (the property to the south of the site) so it's relationship with the application site is not a direct one. Indeed, it is separated from the site by Stevenage Road with existing outbuildings in the grounds of Thatched Cottage limiting views towards the cottage from the site. In any case, the historic significance of Thatched Cottage is largely as a consequence of its architectural value, and we consider it to have a limited setting, largely comprising its immediate curtilage'*
- 4.3.31 Thatched Cottage has no historical or functional association with the application site and indeed its setting is already contained by Stevenage Road on two sides and agricultural land to the south. The special historic interest and significance of the listed building is primarily derived from its architectural features and historic fabric rather than its curtilage or wider area around it. Therefore, it is considered that the proposed development would not have any impact on the setting or significance of the grade II listed Thatched Cottage.
- 4.3.32 This is in accordance with Policies SP13 and HE1 of the Local Plan and Section 16 of the NPPF.

Living Conditions

- 4.3.33 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.
- 4.3.34 In terms of the impact of the development on neighbouring properties, the closest neighbours to the site are Todds Corner and Shangri-La sited adjacent the site boundaries to the north and south. The main dwelling at Todds Corner is located over 15 metres away from the northern boundary of the site and approximately 27 metres from the nearest dwelling at Plot 1, which is now further separated by the access road leading to the rearward plots such that any light impacts will be largely limited even with this orientation. There is an existing outbuilding close to the boundary with the site with rear facing windows and rooflights, but the new dwelling is set away from this boundary by a suitable distance with the access road between it and this outbuilding. Todds Corner is also approx. 72 metres from the closest rearward Plot 3. All the proposed first floor side facing windows on Plot 1 facing towards Todds Corner are to be obscure glazed thus protecting privacy. It is also acknowledged that there will be some impact on Todds Corner as a result of occupiers driving into and out of the site on the access road which is up the shared boundary, through noise and light from private vehicles/deliveries. However, given that this access road will only be used by the two rear plots, as well as any delivery vehicles, this is considered modest and would not result in an unacceptable impact on amenity.

- 4.3.35 The property at Shangri-La is set in large grounds and separated from the shared boundary by approx. 18 metres and nearest proposed dwelling on Plot 2 by at least 20 metres, with a tall hedge providing screening. It will also be sited approx. 28 metres from the closest rearward Plot 4. Its southerly orientation to the site also means that there would be very limited if any effect on daylight /sunlight received by this property. All the proposed first floor side facing windows on Plot 2 facing towards Shangri-La are to be obscure glazed thus protecting privacy.
- 4.3.36 Overall, whilst the development will result in some impacts on neighbouring properties, it is considered that these impacts will not be materially adverse in terms of overdominance, loss of daylight/sunlight and loss of privacy to warrant an objection on such grounds.
- 4.3.37 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.
- 4.3.38 The proposal would therefore accord with Policy D3 of the Local Plan.

Highways, Access, and Parking

- 4.3.39 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.
- 4.3.40 The development would utilise the existing vehicular access that serves the site, albeit it is proposed to be widened slightly to be up to modern standards. The County Councils Highway Authority have formally responded to this application, stating as follows:

"A similar application for two dwelling was submitted and the highway authority provided comments for approval with conditions. This time a new application is submitted which includes proposal of construction 4 dwellings instead of 2 dwellings

According to Hertfordshire County Council's Place & Movement Planning Design Guide (March 2024), Stevenage Road is classified as an inter-urban route (P1/M2), with a posted speed limit of 30 mph. The proposed block plan (Ref- TM/TG/2025/025) shows that each dwelling with private gardens and on-site parking, along with modifications to the existing access from Stevenage Road.

A revised Technical Note has also been submitted, which addresses all previously raised highway concerns. The Highway Authority acknowledges the access improvements works and considers that the revised access arrangements to be acceptable in principle, subject to detailed design and implementation through a Section 278 agreement.

The submitted additional drawing (Ref: Means of Access Plan, ST-3849-700A) illustrates the revised access arrangement for the site. It is noted that the existing vehicular access will be modified to provide better visibility splays in both directions. These improvements will be achieved by relocating existing road signage and a lighting column currently obstructing sightlines. In addition, the proposal includes the provision

of new footway links to connect the site directly with the existing pedestrian infrastructure along Stevenage Road. These enhancements are welcomed as they support improved pedestrian connectivity and contribute to the promotion of active travel in line with current policy objectives.

The Highway Authority considers that the revised access arrangement is sufficient to serve the proposed four dwellings and is therefore acceptable in principle. However, to ensure the delivery of the agreed access design, it is recommended that a planning condition be imposed requiring the access to be constructed and made fully operational prior to the first occupation of the development.

The applicant is also advised that any works within the public highway must be carried out under a Section 278 agreement with the Highway Authority. Please refer to the attached informative for further guidance on this process.

In terms of trip generation, the Highway Authority acknowledges that the proposed development is small in scale and will not result in a significant increase in vehicle movements. As such, it is not expected to have an unacceptable impact on the local highway network.

The submitted Technical Note (TN) does not contain enough information regarding the potential impact on the highway network during the construction of the proposed development. Therefore, a robust Construction Management Plan should be secured by a planning condition.

The Highway Authority requests that formal consideration is given to construction management issues to ensure that any inconvenience to users of the school site and the adjacent highway is minimised. The completed development is not expected to result in a significant impact on the safety and operation of the adjacent highway network”

- 4.3.41 As such, it is considered that subject to the recommended conditions from the County Highway Authority, the proposal will have an acceptable impact on highway safety. This would accord with Policy T1 of the Local Plan.
- 4.3.42 In terms of parking, at least three spaces are proposed in connection with each dwelling and 1 visitor space. This would ensure compliance with the Council’s Parking Standards SPD. Each dwelling would have an EV-charging point, with secure cycle storage provided within each dwelling.
- 4.3.43 Overall, the proposal is considered in accordance with Policy T1 and T2 of the Local Plan.

Ecology

- 4.3.44 This application was submitted with a full biodiversity metric and preliminary ecological impact assessment. The Councils Ecologist has confirmed that following review of this information, there are no objections to the development subject to the mandatory BNG condition and a condition covering a scheme of Ecological Enhancements. These conditions are reasonable and are considered acceptable, in line with Policy NE4 of the Local Plan.

- 4.3.45 The submitted Planning Statement identifies that the site is within an Amber Zone for Great Crested Newts (GCN). The agent has confirmed that they have submitted a request to Natural England to join the District Level Licensing (DLL) scheme and are waiting to hear back with a countersigned impact assessment and conservation payment certificate (IACPC), as required by the Councils Ecologist. As such, it is considered reasonable to frame the recommendation with a resolution to grant subject to receipt of this countersigned IACPC and a response of no objection from the Councils Ecologist, to ensure this matter is satisfactorily addressed.
- 4.3.46 The request from interested parties that the scheme incorporates at least four British Standard BS42021:2022 integrated Swift bricks is considered acceptable and will be conditioned.
- 4.3.47 Overall, the proposal is acceptable and in accordance with Policy NE4 of the Local Plan, Policies NHE2 and NHE3 of the Wymondley Neighbourhood Plan and Section 15 of the NPPF.

Surface Water Drainage/Flooding

- 4.3.48 The site is located within Flood Zone 1 and in an area of low risk surface water flooding. Given the scale and nature of development, there are no objections on this matter.

Waste and Recycling

- 4.3.49 The Council's Waste and Recycling Team has been consulted but has not provided a response to this application. In any case, the site would have sufficient access width and depth with a turning head to accommodate a refuse vehicle, which is considered acceptable in this instance.

Environmental Health

- 4.3.50 Environmental Health have formally responded with no objections subject to conditions covering a contaminated land study prior to commencement and a validation report prior to occupation, as well as a condition covering events should contaminated material be found which are not expected, as well as some general informatives. These are considered acceptable.

Climate Change/Sustainability

- 4.3.51 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.
- 4.3.52 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 nearby Wymondley and Stevenage, and those areas further afield. These benefits would be moderate in the context of Todds Green and would therefore attain moderate weight.

4.3.53 In terms of the social objective, the proposed development would deliver 4 dwellings on this windfall site, which would make a meaningful contribution to housing land supply to which significant weight should be attributed within the context of an adopted Local Plan. These benefits would attain moderate weight.

4.3.54 In terms of the environmental objective, the proposed development would deliver some benefits. The proposed development, as set out in the submitted Energy and Sustainability Statement, would achieve a 30% reduction in CO2 emissions and a 35% reduction in energy demand above the requirements set in Building Regulations part L 2021 by incorporating a high level of thermal fabric performance and renewable heating & energy generation systems. Whilst the proposal would result in the loss of open space, which is paddock land, this is considered to attain moderate weight also.

Other Matters

4.3.55 Officers consider that many of the points raised by the Parish Council and interested parties have been directly addressed in the body of the report. However, to ensure all points are considered, each matter will be addressed in turn below:

- *There is no longer a gap between the two front dwellings to allow views to the land to the rear, reducing visibility to the countryside.* This is acknowledged, and weighs against the proposal compared to the fallback position.
- *Conditions should have been enforced to protect views of the countryside.* Such conditions would not be reasonable and not meet the tests set out in Para 55 of the NPPF. Each application must be considered on its merits, and such a condition would not have met the test of necessity. Moreover, conditions only apply upon the commencement of a development, and the approved scheme has not been started.
- *Todds Green is not a village, it is a hamlet, so infilling development is not permitted under national policy.* This has been addressed in the report.
- *This is the only place in the hamlet to enjoy distance country views.* This has been addressed in the report, the site has no designation and country views are not protected in planning. However, this matter weighs against the proposed when assessed against the fallback position.
- *The land to the rear was to be the BNG area for the previous scheme, which would be removed by the siting of two dwellings there instead.* The application would be subject to the mandatory 10% BNG in any case. Whilst it would appear the rear area of the site was marked as the BNG area for the previous application, the applicant will still be required to provide this 10% uplift, so the output will be the same in this regard, albeit not on-site.
- *The access road may be sufficient for emergency vehicle access, but this is being achieved through loss of green space.* This weighs against the proposal and is considered in the planning balance.
- *Todds Green is a linear development in terms of character with only outbuildings to the rear, this would not be in keeping with that character.* This has been addressed in the report.
- *This is Green Belt land, and the scheme would cause harm to the Green Belt. This parcel was designated a strategic parcel in the Green Belt Review 2018.* Whilst Officers acknowledge that the site was considered as part of the Green Belt review in 2018, the recent NPPG would supersede this. In any case, this is considered Grey Belt land and not inappropriate upon application of NPPF paragraph 155.

- *The repositioned front dwellings will become unsightly and out of character with the hamlet.* This has been addressed in the report.
- *The neighbouring homes will lose their views of open countryside.* This has been addressed in the report.
- *Concerns over development creep.* Each application must be considered on its merits when submitted; the LPA cannot control what may happen in the future with conditions or similar but does have control over future applications and development at the point when they are considered.
- *Concerns over impact on residential amenity.* This has been addressed in the report.

Planning Balance and Conclusion

4.3.56 At the time of writing, the Council cannot demonstrate a five-year housing land supply with the figure sitting between 2.6 and 3.3 years. In this respect, the matters set out under Paragraph 11d of the NPPF become relevant. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission be granted unless; i: the application of policies in this 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.

4.3.57 The proposed development is considered to meet the definition of Grey Belt and would comply with Paragraph 155 of the NPPF. Therefore, the development is not considered to be inappropriate development in the Green Belt, so there is no further requirement to consider the impact of development on the openness of the Green Belt.

There would be moderate harm to the character and appearance of the area compared to the fallback position due to the loss of space between dwellings that allowed views from the highway through to the open countryside to the rear. Moderate weight is given to this harm, as development in depth does exist within Todds Green.

The proposal would not result in any significant harm to neighbouring amenity and would provide a high standard of amenity for future occupiers. The highway, access and parking related matters are all considered acceptable. These matters are given neutral weight in the planning balance.

There would be a social benefit that would arise from the provision of two additional dwellings compared to the fallback position, which would make a modest contribution to the local housing stock. There would also be moderate economic benefits arising from the construction of the additional dwellings and the spending of future occupiers in the local area, to which moderate weight is attributed. From an environmental perspective there would be benefits arising from making more efficient use of the site for the provision of four dwellings compared to the two dwellings that would be delivered by the fallback development.

4.3.58 Overall, Officers are of the view that the adverse impacts that have been identified in this report would not significantly and demonstrably outweigh the benefits of this scheme, when assessed against the Framework as a whole, including the delivery of 4 dwellings to our 5-year land supply on this windfall site, and localised economic, social and environmental benefits. Therefore, the development is considered acceptable in accordance with the aims of relevant local and national planning policies.

4.4 **Alternative Options**

4.4.1 N/A

4.5 **Pre-Commencement Conditions**

4.5.1 The applicant agrees to the proposed pre-commencement conditions.

4.6 **Climate Change Mitigation Measures**

4.6.1 N/A

5.0 **Recommendation**

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

A) the receipt of the Impact Assessment and Conservation Payment Certificate (IACPC) following an application to Natural England under the GCN District Level Licensing (DLL) and a response of no objection from the North Herts Ecologist;

B) the agreement to an extension of time to the statutory determination date to allow time for (A) to occur; and

C) the conditions and informatives set out below:

BNG Condition

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

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

- 4 Prior to the first occupation of the development hereby permitted, the following works shall be fully implemented and completed in accordance with the approved plans (Drawing Refs: ST-3849-700A and TM/TG/010/Revision A):

- The proposed vehicular access arrangement,
- Visibility splays,
- Associated footway connections (between site and existing footways) and
- The relocation of existing road signage and lighting column.

All works shall be carried out in accordance with the highway design standards set out in the HCC's Place & Movement Planning Design Guide (March 2024). Provision shall also be made to ensure that surface water drainage is intercepted and disposed of separately, so that it does not discharge onto or from the highway carriageway. These works shall thereafter be retained and maintained for the lifetime of the development.

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

- 5 No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority. This should be based on the Hertfordshire's Construction Management Template available from <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#managementplans>. The development shall be carried out in accordance with the approved Construction Management Plan.

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

- 6 No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as the inclusion of integrated bird/bat and bee boxes in buildings/structures, has been submitted to and approved in writing by the local planning authority. Where building heights allow swift bricks should be used.

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

- 7 The development hereby approved shall be carried out in accordance with the recommended mitigation set out in the submitted Ecological Impact Assessment by MS Ecology.

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

- 8 The development hereby permitted shall incorporate 4 integrated Swift bricks, to be fully installed prior to occupation and retained thereafter.

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

- 9 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.

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

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

- 11 In the event that contamination not identified in the ground investigations to date is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

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

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

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

Proactive Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015

Informatives

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

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

- 2 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.

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

www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

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

AN) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

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

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

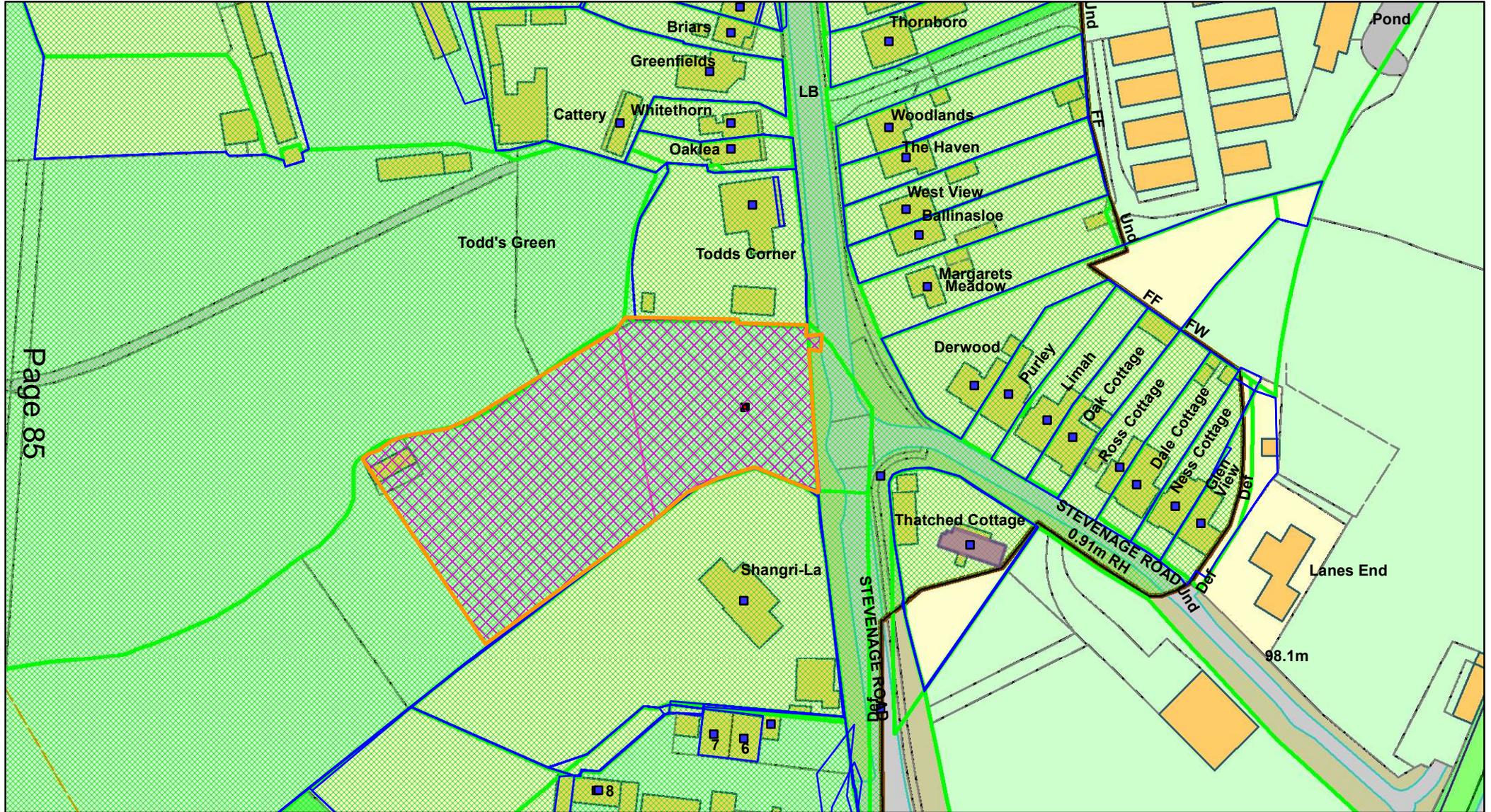
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way

in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business>

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Date: 09/02/2026



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**PLANNING CONTROL COMMITTEE
PLANNING APPEALS LODGED**

DATE: 24 February 2026

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mrs And Mrs Pyne-Madden	03 February 2026	Glazed link extension between ancillary annexe and main dwelling and insertion of window to courtyard wall.	Lutyens Cottage Hitchwood Lane Preston SG4 7RY	25/02318/LBC	Written Representations
Mrs And Mrs Pyne-Madden	05 February 2026	Glazed link extension between ancillary annexe and main dwelling and insertion of window to courtyard wall.	Lutyens Cottage Hitchwood Lane Preston SG4 7RY	25/02316/FPH	Written Representations
Woolsington One LTD	05 February 2026	Outline Planning Application for Residential Development of up to 280 dwellings (including affordable housing) green infrastructure including public open space, landscape boundaries and SUDS with all matters reserved except for access which is to be taken from Barkway Road (as amended by additional documents received 16 September 2025)	Land Off Barkway Road And North Of Flint Hall Barkway Road Royston	21/00765/OP	Public Inquiry*

*The Public inquiry is scheduled to start on 12 May 2026 and last for 6 days.

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PLANNING CONTROL COMMITTEE

DATE: 24 February 2026

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr John Gass	Replace 16no. existing single-glazed timber-framed windows with white Upvc double-glazed windows.	Keepers Cottage 2A Orchard Way Breachwood Green SG4 8NT	25/00956/LBC	Appeal Dismissed on 05 February 2026	Delegated	The Inspector concluded that the proposal would fail to preserve the special interest of the Grade II listed building, Keeper's Cottage, and public benefits would not outweigh the harm. The proposal would therefore be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Framework. Although not determinative, there would also be conflict with Policy HE1 (designated heritage assets) of the North Hertfordshire Local Plan 2011-2031 insofar as it is relevant and indicates that where proposals result in less than substantial harm to the significance of designated heritage assets, harm should be outweighed by public benefits.

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Appeal Decision

Site visit made on 6 January 2026

by **J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 February 2026

Appeal Ref: APP/X1925/Y/25/3369314

Keepers Cottage 2A Orchard Way, Breachwood Green, Hitchin, Hertfordshire SG4 8NT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr John Gass against the decision of North Hertfordshire District Council.
 - The application Ref is 25/00956/LBC.
 - The works proposed are 'replacement of 16 wooden single-glazed windows with UPVC double glazing to provide noise insulation'.
-

Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. The appeal proposes replacement windows to a Grade II listed building 'Keeper's Cottage'. In considering whether to grant listed building consent, Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have considered the appeal accordingly.
3. The evidence before me refers to a previous proposal to 'replace 16no. existing single-glazed timber-framed windows with white Upvc double-glazed windows' at the appeal dwelling which was refused listed building consent by the Council¹ ('the Refused LBC Application'). Subsequently, the Secretary of State issued a decision dated 10 December 2024 in respect of a purchase notice for the property which had been served on the Council² ('the PN Decision'). The PN Decision refused to confirm the purchase notice, but exercised powers under section 35(5) of the LBCA Act to direct the Council to grant listed building consent, if an application is made, for replacement of 16no. single-glazed timber-framed windows with slim profile timber double glazed windows. The PN Decision was in line with the recommendation of an Inspector who had held a hearing and prepared a report dated 26 November 2024 to the Secretary of State ('the PN Report').
4. The Council subsequently granted listed building consent for 'replacement of 16no. single-glazed timber-framed windows with slim profile timber double-glazed windows'³ ('the Granted LBC') subject to conditions.

¹ Application ref 23/02418/LBC

² Ref PUR/3342127

³ Application ref 24/02823/LBC

5. The current appeal relates to a further proposal seeking listed building consent for replacement of windows to the dwelling with white uPVC double-glazed windows. The details submitted with the appeal application include a document titled 'Luton Investment Proposal', version 13/05/2025 by Evander (ref HO4231781). This includes product specifications for 16 windows, although having regard to the room descriptions and the proportions and arrangement of the windows shown in the images, the window location numbers do not appear consistent with the numbers annotated on windows in photographs of the building which also formed part of the appellant's submission. I also note that other than for location 1, the product specifications suggest 'bespoke timber replacement frame'. However, this is inconsistent with the title bands which in each case refer to a 'flush uPVC window'. Moreover, the description of works applied for proposes 'uPVC double glazing'. As a result and for the avoidance of doubt, I have therefore considered the proposal as seeking consent for uPVC windows.

Main Issue

6. The main issue is the effect of the proposed works on the special interest of the Grade II listed building, Keeper's Cottage.

Reasons

7. Keeper's Cottage is a two-storey, three-bay cottage which dates to the 17th Century or earlier. It is timber framed, and has a roughcast render exterior and a plain tiled roof, although the list entry suggests that the roof was likely originally thatched. Later extensions include a two-storey gable projection to the rear dating to around 1890, a single-storey lean-to to the north east side added around 1910 and a single-storey projection to the south west side which was added as a garage around 1979 and then later converted to living accommodation. Multi-pane wooden casement windows are present to both the historic core of the building and the later extensions, albeit with variations including in their proportions and in their positioning within frames and openings.
8. The list entry indicates that the building is designated including for historic interest associated with its role as former game keeper's cottage to the nearby Kingswalden Park deer park; and architectural interest associated with its architectural quality as a vernacular cottage built in the 17th Century or earlier and the high proportion of survival of the historic plan form and historic fabric.
9. The appellant may disagree that the building meets the criteria for listing, but I note that it has been the subject of a relatively recent review by Historic England which concluded that it continued to fulfil the criteria. It currently remains a listed building, and I must consider the appeal on that basis.
10. Furthermore, windows to the dwelling may not be original, but the multi-pane wooden casements are in keeping with the traditional form and materials of the listed building, and I agree with comments in the PN Report that those on the front elevation which sit flush to the frame are particularly attractive, and that even those with storm frames are not overly bulky. Insofar as it relates to this appeal, I therefore find that the existing windows make a neutral to positive contribution to the special interest of the listed building.
11. The appeal proposes replacement of 16 of the existing single-glazed wooden casement windows with white uPVC double-glazed windows. Although there would

- be a loss of fabric through the removal of the existing windows, it is common ground between the main parties that they are non-original, and I note that they would also be removed under the Granted LBC.
12. However and notwithstanding the discrepancies noted above in respect of the window locations and description of the frames in the 'Luton Investment Proposal' document, the replacement windows are shown to be plain, sheet glass with no glazing bars. Even if the fabric is not in itself original, the subdivision of the existing windows into panes by glazing bars is a key element of their traditional appearance in keeping with the building. The loss of this detailing would in my view give the replacement windows an awkward and incongruously modern appearance against the building which would be further exacerbated by the uncharacteristic uPVC materiality in contrast to the existing timber. In the absence of full details of the glazing system, it is additionally unclear whether they would be excessively bulky or disproportionate in comparison to traditional window joinery styles resulting in further discordance.
 13. The appellant has not disputed that the design and materials of the windows would be out of keeping with the listed building and taking the above factors together, I find that the replacement windows would be unsympathetic and detrimental to the architectural character and integrity of the listed building. Accordingly, the proposal would fail to preserve the special interest of the listed building and would cause it harm.
 14. The National Planning Policy Framework ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
 15. The works would be relatively limited in scale against the building as a whole, but would nevertheless have a significant effect on its overall appearance, particularly when taken cumulatively. Overall, I find that the harm to the listed building would be less than substantial in the terms of the Framework, and at a moderate level. This harm carries considerable importance and weight.
 16. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
 17. The replacement windows are proposed to provide noise insulation which I understand is sought to address noise associated with London Luton Airport operations given the very close proximity of the runway and flight paths to the dwelling. The appellant indicates that occupiers of the dwelling are currently exposed for an extended time to noise levels above thresholds which the World Health Organisation and Department for Transport agree causes harm to health. The Council's report also highlights a Development Consent Order granted in April 2025 which would result in further expansion of the airport.
 18. The PN Report considered the effects of airport noise on the appeal property and concluded that in its existing state, it can be argued that it is incapable of Reasonable Beneficial Use. From the evidence that is before me in this appeal, I

have no firm reason to consider that this view was unfounded. Nor to doubt the appellant's position that noise is detrimental to the health of occupiers.

19. I also have no firm reason to doubt that the proposed replacement windows could offer increased noise insulation that would reduce the effects of aircraft noise on occupiers of the dwelling. Although improved living conditions would be a largely private benefit, reducing noise which is detrimental to health could help support the continued residential occupation of the dwelling and so the future of the listed building and would therefore comprise a public benefit.
20. Be that as it may, the Granted LBC following the Secretary of State's direction in the PN Decision provides for slim profile timber double glazed replacement windows to the dwelling. There is no substantive evidence before me to indicate that such windows would not offer similar levels of noise insulation as the works now proposed.
21. As to whether the works provided for by the Granted LBC could be carried out, I note that the appellant indicates that the Council has not discharged condition 2 of the Granted LBC which includes a requirement for submission and approval of detailed drawings of the replacement windows (including depth of reveal, external finish, method of opening, details of heads, sills, ironmongery and lintels) with drawings at a scale of not less than 1:20 for elevations and at a scale of not less than 1:2 for horizontal and/or vertical frame sections (including sections through glazing bars).
22. The direction to the Council in the PN Decision to grant listed building consent, if an application is made, for replacement of 16no. single-glazed timber-framed windows with slim profile timber double glazed windows did not specifically state that such consent should be granted subject to conditions. However, neither did it state that consent should be granted unconditionally.
23. Moreover, I note that paragraphs 60 and 61 of the PN Report highlight the importance of the profile, fit and detailing of windows and comment that such details could be submitted as part of an application for listed building consent. Insofar as the information before me indicates that such details were not submitted as part of the application for the Granted LBC, I consider the Council's approach of imposing a condition to require such details was legitimate. Furthermore, the requirements of condition 2 of the Granted LBC are consistent with the wording of the condition recommended in the PN Report in the event that the Secretary of State was to decide to grant listed building consent for white uPVC double-glazed windows pursuant to the Refused LBC Application. This includes in respect of a reference to sections through glazing bars which I agree with the Council suggests that glazing bars would be expected as part of the design of replacement windows. The appellant refers to listed building consents issued by the Council elsewhere without additional conditions, but full details have not been provided and I am therefore unable to determine that the circumstances are directly comparable including in respect of the level and adequacy of detail that was provided with those applications.
24. On that basis, and from the information before me in this appeal, I do not consider the requirements of condition 2 of the Granted LBC to be an unreasonable or unnecessary obstacle to the implementation of the works that were granted.

25. The appellant asserts that condition 2 has proved impossible to comply with. However, the Council indicates that the condition has not been discharged because insufficient details have been submitted and I have no firm reason to find that submission providing appropriate details would not result in the condition being discharged. In my experience, the requirements of condition 2 are not unusual in cases where replacement windows are proposed, and such details are commonly provided as part of applications. It is the responsibility of an applicant to provide necessary details and drawings to support an application, and in the absence of any compelling evidence to clearly demonstrate that these details cannot be provided, I am not persuaded that condition 2 is incapable of being discharged such that it would preclude implementation of the Granted LBC.
26. More widely, the PN Report noted that the appeal property was eligible for noise insulation under a scheme overseen by the London Luton Airport consultative committee, of which the Council is a member, which would offer funding towards windows. The Council now suggests that the Noise Insulation Scheme is operated and funded by the airport, a separate entity from the consultative committee which is purely advisory. The appellant notes that this is inconsistent with the Statement of Common Ground that was submitted as part of the PN Decision process, but I have not been directed to clear evidence disputing that the scheme is in fact operated and funded by the airport.
27. In any event and whether or not the Council is part of the consultative committee, I am unpersuaded that the eligibility of the property for funding under the Noise Insulation Scheme is determinative that any particular proposal to provide insulation would necessarily be acceptable in planning terms.
28. Furthermore, the appellant suggests that the 2022 letter advising that the property was eligible for noise insulation advised that only uPVC windows were available. However, I cannot identify such a statement within the copy of the letter dated 15 March 2022 that was submitted as part of the appellant's evidence. Even if that was the position at the time, the Council's officer report for the appeal application quotes a response from London Luton Airport indicating that the current Noise Insulation Scheme contractor, Evander Glazing and Locks Ltd installs both timber and uPVC windows. The appellant has not provided any clear evidence to the contrary to demonstrate that funding is not available under the Noise Insulation Scheme for timber windows.
29. The appellant does comment that the cost of timber framed windows is considerably higher than uPVC and that the airport has rejected a request from their MP to increase the grant to cover the difference. Be that as it may, there is no objective evidence before me to substantiate the assertion that timber windows would not be a viable option for Keeper's Cottage.
30. For these reasons, I consider that there is insufficient information to determine that installation of the replacement timber windows as provided for by the Granted LBC would be unachievable on grounds of either practicality or viability.
31. Even if that were not the case and I were satisfied that timber windows would not be achievable and there would be no alternative to uPVC replacements, there is no compelling evidence to demonstrate that a far more sympathetic approach to the design of windows to that shown in the appeal proposal could not be taken. Although differences in the materiality and fine detailing relative to the existing

windows would be likely to remain distinguishable, careful design including in respect of provision of glazing bars to reflect the existing windows and consideration for the profile of units could markedly lessen the degree of contrast and visual impact, thereby reducing the level of harm, potentially significantly. In this case and given that the appellant's statement had specifically requested that consent is approved with no further conditions, I consider that it would be inappropriate to impose a condition in respect of an alternative design of windows.

32. For these reasons, I consider on the basis of the information before me in this appeal that there would appear to be realistic, and less harmful, alternatives to the appeal scheme to provide noise insulation and support continued occupation of the dwelling. I am sympathetic to the appellant's desire for noise insulation and to address effects on health, but I am not therefore satisfied that this outcome and the ongoing residential use of the dwelling could not be supported by less imposing means than the appeal proposal, nor that harm to the listed building has been appropriately minimised to ensure its conservation in a manner appropriate to its significance. This context moderates the weight that I afford to the public benefit associated with providing noise insulation to the dwelling. I find that the harm to the listed building resulting from the proposed replacement windows which attracts considerable importance and weight would not be outweighed, and there is not a clear and convincing justification for these works.
33. I therefore conclude that the proposal would fail to preserve the special interest of the Grade II listed building, Keeper's Cottage, and public benefits would not outweigh the harm. The proposal would therefore be contrary to the LBCA Act and the Framework. Although not determinative, there would also be conflict with Policy HE1 of the North Hertfordshire Local Plan 2011-2031 insofar as it is relevant and indicates that where proposals result in less than substantial harm to the significance of designated heritage assets, harm should be outweighed by public benefits.

Other Matters

34. My attention has been drawn to listed building consent granted by the Council for demolition of Winch Hill Farm which referred to there being no financially viable solution to retain the property. However, the PN Report comments that this consent was due to very specific circumstances relating to the poor quality of the building and the difficulties in securing its restoration and that neither this nor an example of listed building consent for uPVC windows to a modern part of a building in Codicote support use of uPVC windows here. From the information before me and further noting the lack of any substantive evidence in respect of financial viability in this case whereas the delegated report for the Winch Hill Farm refers to a submitted viability assessment, I agree with that view.
35. The appellant additionally asserts that the Council has permitted other listed buildings in Breachwood Green to install uPVC windows and other new windows and doors without listed building consent. However, I have not been directed to any particular examples and in the absence of full details, it is not clear that these would be directly comparable to the current proposal including in respect of the effects on the affected buildings or any supporting justification. The weight that I can give to these examples is therefore limited, and they do not alter my assessment of the appeal proposal which I have considered on its own merits.

36. The Council's handling of other applications which the appellant suggests have been made invalid or which have not been acknowledged is a matter between the parties and does not alter my assessment of the merits of the appeal proposal.
37. I acknowledge support for the proposal from the local MP, but this does not offset the harm that I have found, nor alter my assessment of the proposal.

Planning Balance

38. I have found that the proposal would fail to preserve the special interest of the listed building, Keeper's Cottage. Acknowledging the appellant's reasons for the proposal to address noise effects including on health and the reference in their evidence to the age of occupiers of the dwelling, I am mindful of the Public Sector Equality Duty ('the PSED') set out under Section 149 of the Equality Act 2010. This requires due regard to the need, amongst other things, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Advancing equality of opportunity involves having due regard to considerations including the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; and to take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. Age is a relevant protected characteristic for the purposes of the PSED.
39. In addition, I am mindful of rights conveyed within the Human Rights Act 1998 ('HRA'), and particularly rights under Article 8(1) to respect for private and family life, home and correspondence.
40. However, I have already found that the submitted evidence does not demonstrate that addressing noise effects and supporting the ongoing residential use of the appeal dwelling would be dependent on replacement uPVC windows of the design proposed which I have found would cause harm to the listed building.
41. In this context, I find that the adverse effects of dismissing the proposal on those with protected characteristics and interference with rights under the HRA are mitigated by the possibility of an alternative, less harmful, scheme. Dismissal of the appeal would be in accordance with the law and necessary in a democratic society in pursuance of the well-established and legitimate aims of protecting heritage assets. In addition, the protection of the public interest cannot be achieved by means that are less interfering of the appellant's human rights. In these circumstances, there would not be unjustified interference with rights for respect for the home, private or family life and I conclude that it is proportionate and necessary to dismiss the appeal.
42. Even when taken alongside the benefits argued by the appellant, the PSED and Human Rights considerations would not outweigh the harm that I have identified to the listed building.

Conclusion

43. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR

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