

7 April 2026

Our Ref Planning Control Committee 16 April 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, GERONON  
ROAD, LETCHWORTH, SG6 3JF**

On

**THURSDAY, 16TH APRIL, 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**

<b>Item</b>		<b>Page</b>
<b>1. APOLOGIES FOR ABSENCE</b>	Members are required to notify any substitutions by midday on the day of the meeting.  Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
<b>2. MINUTES - 24 FEBRUARY, 12 MARCH, 19 MARCH 2026</b>	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 24 February, 12 March and 19 March 2026.	(Pages 5 - 30)
<b>3. NOTIFICATION OF OTHER BUSINESS</b>	Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.  The Chair will decide whether any item(s) raised will be considered.	
<b>4. CHAIR'S ANNOUNCEMENTS</b>	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
<b>5. PUBLIC PARTICIPATION</b>	To receive petitions, comments and questions from the public.	

6. **24/00326/FP LAND ON, CAMPFIELD WAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE** (Pages 31 - 88)  
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Redevelopment of site comprising demolition of existing buildings and provision of 157 dwellings; associated roads, landscaping, open space, car and cycle parking provision, drainage and infrastructure works and all associated ancillary works (as amended)
7. **25/02547/FP LAND TO THE SOUTH AND EAST OF SENUNA PARK, STATION ROAD, ASHWELL** (Pages 89 - 140)  
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Residential development of 36 no. dwellings including creation of vehicular access off Station Road, associated parking, drainage, amenity space and landscaping
8. **25/03149/RM LAND BETWEEN ROYSTON ROAD AND, CAMBRIDGE ROAD, BARKWAY, HERTFORDSHIRE** (Pages 141 - 164)  
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Approval of reserved matters (access, appearance, landscaping, layout and scale) for the erection of 140 residential dwellings with associated landscaping, highways, drainage, public open space and ancillary infrastructure pursuant to outline planning permission reference 25/02234/S73 granted 03.12.2025
9. **APPEALS** (Pages 165 - 182)  
 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, GERONON ROAD, LETCHWORTH, SG6 3JF  
ON TUESDAY, 24TH FEBRUARY, 2026 AT 7.00 PM

#### MINUTES

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

**In Attendance:** *Faith Churchill (PA - Director Governance), Robert Filby (Trainee Committee, Member and Scrutiny Officer), Ben Glover (Senior Planning Officer), Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), Sarah Kasparian (Senior Planning Officer), James Lovegrove (Committee, Member and Scrutiny Manager) and Nazneen Roy (Locum Planning Lawyer).*

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

#### 129 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 24 seconds*

Apologies for absence were received from Councillors Bryony May and Caroline McDonnell.

#### 130 MINUTES - 22 JANUARY 2026

*Audio Recording – 1 minute 35 seconds*

Councillor Nigel Mason, as Chair, proposed and Councillor Emma Fernandes seconded and, following a vote, it was:

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 22 January be approved as a true record of the proceedings and be signed by the Chair.

#### 131 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 2 minutes 19 seconds*

There was no other business notified.

#### 132 CHAIR'S ANNOUNCEMENTS

*Audio recording – 2 minutes 24 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.

**133 PUBLIC PARTICIPATION**

*Audio recording – 4 minutes 40 seconds*

The Chair confirmed that the registered speakers were in attendance.

**134 25/01708/OP LAND OPPOSITE HEATH FARM, BRIARY LANE, ROYSTON, HERTFORDSHIRE**

*Audio recording – 4 minutes 59 seconds*

The Senior Planning Officer advised that written updates on matters relating to application 25/01708/OP had been published as a supplementary document.

The Senior Planning Officer then presented the report in respect of Application 25/01708/OP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

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

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

- This application was similar, but not identical to the previous applications submitted at this site in 2019 and 2021.
- Policy changes since the previous applications included the adoption of a new Local Plan, alterations to the National Planning Policy Framework (NPPF), and the failure to demonstrate a five-year housing land supply.
- The Local Lead Flood Authority (LLFA) had assessed the application independently and felt that it did not alleviate their concerns on flood risk elsewhere. Their response had been considered as part of the application.
- The titled balance was engaged due to the delivery of housing from the application. However, the harms identified in the application outweighed the benefits of this.

In response to questions, the Development and Conservation Manager advised that the harms arising from the development would significantly and demonstrably outweigh any benefits delivered by the development as detailed in the report.

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

- They represented over 250 households and residents who had made objections to the proposed development.

- Residents of Echo Hill, specifically those living at numbers 23 and 25 would be significantly affected by the proposed access, and the prospect of this had caused uncertainty and stress to nearby residents.
- They supported the reasons for refusal as detailed in the report of the Senior Planning Officer.
- The site was situated in a valuable landscape, and the application would significantly harm its rural character, public footpaths, the local nature reserve and the adjacent Site of Special Scientific Interest (SSSI), Therfield Heath.
- Existing homes at low elevations would be negatively affected by the proposed dwellings as they would be built at higher elevations.
- Their Landscape Consultant Report confirmed that development would cause substantial harms and recommended refusal based on the visual and landscape impact.
- The developer was recently refused planning permission for a similar development in Leicestershire, which the Planning Inspectorate had upheld after an appeal.
- The developer had formally written to residents at numbers 23 and 25 of Echo Hill in 2020 to acknowledge the impacts that the development would have on them during construction and after completion.
- Proposed access roads around the site would be unsuitable as technical data from their consultant proved that they would not meet safe access standards.
- The Highways Authority had rejected the application due to poor access and its unsustainable location.
- The site failed to conform to the Flood Risk Policy in the NPPF, and they supported the response provided by the LLFA.
- They were concerned that Natural England would not put the necessary measures in place to protect the SSSI.
- The proposed mitigation was not adequate for a site within 60 metres of an SSSI and the 400-metre rule for special protection areas should apply.
- A site adjacent to an SSSI which failed to deliver on-site Biodiversity Net Gain should be refused.
- The Conservators of Therfield Heath and Greens had objected to the application and more weight should be given to their response.
- Their Ecologist had raised concerns on the surveys undertaken and stated that the application was situated in the worst possible location with regards to impacting the SSSI.
- The Council should ensure the protection of the SSSI in the future.
- It was disappointing to be discussing another application at this site.

There were no points of clarification from Members.

Councillor Nigel Mason proposed to refuse permission and this was seconded by Councillor Martin Prescott.

The following Members took part in the debate:

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

The following points were made as part of the debate:

- There were more objections on this application than the last application considered in 2021, despite policy changes since then. Therefore, the recommendation to refuse permission should be supported.
- Despite the tilted balance, there was a comprehensive report which evidenced why the application should be refused permission.

- After due consideration on the harms and benefits, the application should be refused permission.
- It was clear from the consultee responses that the application should be refused permission, and it was sad to see the time that had been spent by those that had considered this application.

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

**RESOLVED:** That application 25/01708/OP be **REFUSED** planning permission for the reasons set out in the report of the Development and Conservation manager.

**135 24/02656/S73 LAND EAST OF GARDEN WALK AND NORTH OF NEWMARKET ROAD, GARDEN WALK, ROYSTON, HERTFORDSHIRE**

*Audio recording – 30 minutes 48 seconds*

The Senior Planning Officer provided a verbal update on matters relating to Application 24/02656/S73 and advised that:

- It had been confirmed that VAT should not be added to the developer contributions, which meant that the contribution in the Deed of Variation should be £6,006, as detailed at paragraph 3.6.5 of the report.
- The date for the agreement of the Open Space Scheme and Open Space Programme and Management Plan in paragraph 1.4 should read 7 December 2018.

The following Members asked questions:

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

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

- The developer had already paid £73K towards the restoration of the chalk grassland. However, the Green Space Team had obtained another quote to account for the steepness which came to £80K minus VAT, therefore, the £6,006 included in the report would cover this difference.
- The Local Lead Flood Authority (LLFA) and Highways Authority had no objections to the slope, and the developer had provided a ground stability report.
- The increase in material would be near the top of the hill and distributed evenly.
- The Estates Team would conduct due diligence when adopting the land.
- The slope may have been less steep before, but the steep section at the base of the slope was not part of this application.
- The quality of the material deposited would be secured through the Landscape and Ecological Management Plan, which formed part of the recommendations.
- The site would be used as a community open space, which would complement Therfield Heath in terms of natural environment.
- A footpath would go round the Meridian Gate site perimeter, and stairs and a level footpath would lead up to the chalk grassland. However, the open space had not been designed as a recreational space due to the gradients, and to preserve the ecological benefits of the chalk grasslands.

- There was an obligation for a footpath to go through Newmarket Road Recreation Ground in the original application for outline planning permission, which they had received developer contributions towards.
- There would be gated access to the community open space from Newmarket Road and the Green Space Team would use this to maintain the land.
- After assessment by Green Space, their contractor would be able to maintain the area for 15 years if cut twice a year, and 20+ years if cut annually, based on the funding available.
- The retaining wall had been agreed in a non-material amendment application.

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

- 6,500 HGV movements would be saved by keeping the material on-site.
- If the application was refused, the material would have to be moved elsewhere.

The Chair invited the Agent to the Applicant, Claire Newbury to speak in support of the application. Ms Newbury thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The application was a combination of work over the last 7 years to deliver 314 homes, including 103 affordable houses and a care home.
- The site would be complete by mid-2026.
- Phase 3, which was the final phase of the development, included complex proposals for ground remodelling for the deposit of chalk material within the site.
- The open space would exceed the 80m contour line to mitigate the impact on the wider landscape and would form part of the circular walk around the site perimeter, providing leisure and dog walking opportunities, and local habitat for biodiversity.
- The slope gradient at the interface with nearby homes remained unchanged from a previous application, and the ground level at the highest point of the slope also remained unchanged from pre-development levels.
- Detailed sections of the slope profile were shown in the plans submitted with the application.
- A level walkway would be introduced at the base of the slope to improve accessibility with the wider walking route and the recreation ground.
- The application demonstrated that no harm would come to the ecology on-site, a stable slope structure would be provided, and that there would be no long-term visual landscape changes.
- Delivery of the site had been delayed due to more detailed design proposals, and public access had not been feasible during the live construction of the site.
- The application had complied with all the conditions and obligations, and all developer contributions had been paid.
- They had continually engaged with local ward councillors to address queries from residents, and it was noted that no objections had been received.
- A strategy for the landscape management and maintenance of the space had been agreed with Green Space, and it would be handed over to the Council soon.
- The overall site would make a valuable contribution towards the Council housing stock.
- Satisfactory responses from new homeowners had been received.

There were no points of clarification from Members.

Councillor Nigel Mason proposed to grant permission subject to the conditions set out in the report of the Development and Conservation Manager, and this was seconded by Councillor Ruth Brown.

As part of the debate, Councillor Clare Billing highlighted that she would be happy to support the retainment of greenspace as part of the application.

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

**RESOLVED:** That application 24/02656/S73 be **GRANTED** planning permission subject to:

- 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; and
- B) The applicant agreeing to extend the statutory period in order to complete the Deed if required; and
- C) Granting delegation of authority 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 in the report of the Development and Conservation Manager.

**136 25/02998/FP LAND BETWEEN SHANGRI-LA AND TODDS CORNER, STEVENAGE ROAD, TODDS GREEN, HERTFORDSHIRE, SG1 2JE**

*Audio recording – 57 minutes 48 seconds*

The Senior Planning Officer gave a verbal update on matters relating to application 25/02998/FP and advised that the comment from Todds Corner at paragraph 3.1 of the report was an objection rather than a neutral comment.

The Senior Planning Officer then presented the report in respect of application 25/02998/FP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Dave Winstanley
- Councillor Ruth Brown
- Councillor Louise Peace
- Councillor Nigel Mason
- Councillor Val Bryant
- Councillor Martin Prescott

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

- The application had been assessed against the Grey Belt rather than Green Belt as Todds Green was not a village under Policy SP2 of the Local Plan, therefore, it did not constitute infilling in the Green Belt.
- The in-depth development would impact the character of the landscape and the area, but the delivery of housing was deemed to outweigh the perceived harms of this.
- Changes made to plots 1 and 2 from the last application had been summarised in the report, but the plots were similar in scale and form.
- The last application at this site had also been assessed against the Grey Belt.
- Despite the loss of an on-site 10% Biodiversity Net Gain (BNG) from the last application, the application was still subject to the mandatory 10% BNG condition, and this would likely be delivered off-site.
- Harm resulting from the view lost between plots 1 and 2 had been considered and more on this was detailed at paragraph 4.3.57.
- They were unaware why the Applicant had decided to submit this application with two extra dwellings compared to the previous application.
- The proposed road within the site would lead to the neighbouring paddock.

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

- It would not be reasonable to impose a condition relating to development that would require planning permission.
- If a separate application was submitted, it would be considered on its own merits.
- Conditions only came into effect once development on the site began.

The Chair informed Members that the Member Advocate Objector, Councillor Caroline McDonnell had given their apologies and was unable to attend the Committee meeting to provide a verbal presentation. The Chair then read out a written statement on their behalf, and highlighted the following:

- The application should be refused permission because of the effect it would have on the nature of Todds Green.
- Although each application should be determined on its own merits, several Members had raised concerns over the gap between the two dwellings in the last application.
- Wymondley Parish Council had objected to both this application and the previous one.
- This land represented the last remaining open space in Todds green that provided views of the countryside.
- On-site BNG in the form of a hedge between plots 1 and 2 had been removed.
- Provision had been made for refuse and emergency vehicle access, resulting in further loss of the Green Belt.
- Double stacking had been introduced in this application, which would disrupt the views and openness of the site, and impact the immediate neighbour.
- It was disingenuous not to categorise Todds Green as a village.
- Members should be mindful of the harm this development would have on the Green Belt, which played a significant role in the prevention of urban sprawl.
- It contradicted the NPPF, Local Plan and Wymondley Neighbourhood Plan.
- Provision of two additional 5-bed dwellings was not the answer to address the five-year housing land supply.
- The land was Green Belt and the application had not demonstrated any very special circumstances to allow development.
- The built form would not be in keeping with the linear layout of Todds Green.

The Chair then invited the Agent to the Applicant, Mr Kevin McBride to speak in support of the application. Mr McBride thanked the Chair for the opportunity to speak and provided the Committee with a verbal presentation, and highlighted the following:

- This application presented an important opportunity to deliver homes in a sustainable, well-designed way while complementing the rural setting of Todds Green.
- The proposal represented a carefully considered, proportionate and sustainable development which respected both local need and planning policy.
- This site was between two existing dwellings and met the definition of Grey Belt. Therefore, the application would be compliant with paragraph 155 of the NPPF.
- The maximum amount of land allowed for a minor application had been used in this application to integrate it with rest of Todds Green, as highlighted in the plans.
- The Edwardian character of the proposed dwellings would match the rest of the housing in the immediate surrounding vicinity.
- Site access had been designed to consider residents at Todds Corner as it would the gap between their home and the proposed dwellings.
- Significant pressure on the Council to deliver new housing would be addressed by these well-scaled dwellings that would respect the locality.
- The application was a modest, sensible and sustainable development that would be appropriate, even in the Green Belt.

The following Members made points of clarification:

- Councillor Louise Peace
- Councillor Dave Winstanley
- Councillor Emma Fernandes

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

- It would have been possible to achieve 10% BNG on-site, however, they had responded to the comments from Wymondley Parish Council by removing trees to maintain a countryside view.
- There was no reason to keep the delivery of BNG exclusively on-site.
- There would be a better countryside view from the existing road with the 4 proposed dwellings rather than 2.
- Plots 1 and 2 would be more set back from the existing road.
- Dual development was present elsewhere in Todds Green.

In response to points raised in the verbal presentations, the Senior Planning Officer advised that plot 1 in this application was set back 15.6 metres from the red line boundary compared to 12 metres in the last application.

Councillor Nigel Mason proposed to grant permission subject to the conditions and informatives set out in the report of the Development and Conservation Manager, the receipt of an Impact Assessment and Conservation Payment Certificate (IACPC) and no objection from the North Herts Ecologist, and the agreement to extend the statutory determination date to allow for the IACPC to be completed. This was seconded by Councillor Emma Fernandes.

The following Members took part in the debate:

- Councillor Dave Winstanley
- Councillor Ruth Brown
- Councillor Val Bryant
- Councillor Martin Prescott
- Councillor Ian Mantle
- Councillor Emma Fernandes
- Councillor Tom Tyson
- Councillor Clare Billing
- Councillor Nigel Mason
- Councillor Louise Peace

The following points were made as part of the debate:

- Todds Green had a linear built form, and the application deviated from this.
- The justifications for the last application had been removed from this one.
- The special character and setting of Todds Green would not be preserved.
- Encroachment into the countryside would result from this application and it would not assist with the development of previously developed urban land as stated in the report.
- It was under the Grey Belt classification, and they were reluctant to support it, but permission should be granted.
- This was inappropriate back land development, and they could not support it.
- The Council could not demonstrate a five-year housing land supply, and this was a high-quality, well-designed development.
- It would be hard to refuse permission if looking at planning policy alone.
- They had to be mindful of the tilted balance and whether the harms outweighed the benefits that would be delivered.

- There was no legal reason to refuse permission, therefore, it should be granted.
- The application felt like linear development, however, this was not a material planning consideration.
- Even with the tilted balance, the benefits and harms were finely balanced.
- The Ecologist had not objected to the application.
- They wished that the Urban Design Code had been implemented ahead of this application, and they were looking forward to this being in place in the future.

In response to points raised during the debate, the Locum Planning Lawyer advised that developers could deliver a mix of on-site and off-site BNG, such as through the purchase of BNG units.

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

**RESOLVED:** That application 25/02998/FP be **GRANTED** planning permission 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; and
- 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 as set out in the report of the Development and Conservation Manager.

## 137 PLANNING APPEALS

*Audio recording – 1 hour 48 minutes 51 seconds*

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

- One appeal relating to uPVC windows on a listed cottage had been dismissed, which was the second appeal for this type of development dismissed at this site.
- There were new appeals to report, including an appeal relating to the 280-dwelling development on Barkway Road, Royston.
- The appeal would involve a 6-day Public Inquiry commencing on 12 May 2026 and The Conservators of Therfield Heath and Greens had registered as a Rule 6 Party.
- The Appellant was challenging the five-year housing land supply of the Council and Officers may need to give evidence on this.
- A Planning Consultant and Barrister had been appointed to represent the Council at the inquiry, and a Highways Consultant would also be appointed soon.
- Members who voted against the officer recommendation were recommended to attend the Public Inquiry to set out their concerns with the application to the Inspector.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Martin Prescott

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

- Royston Town Council was a statutory consultee for the application and could make written submissions and attend the inquiry to speak.
- Members could also attend and speak at the inquiry.

**Tuesday, 24th February, 2026**

- The inquiry would be held in the Council Chamber.
- The Inspector would give greater weight to evidence that had been subject to cross-examination from a barrister. However, it was uncommon for non-expert witnesses to be cross-examined in depth at an inquiry.
- The Inspector appointed to oversee the inquiry was Rekha Sabu.

The meeting closed at 9.01 pm

Chair

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## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH, SG6 3JF  
ON THURSDAY, 12TH MARCH, 2026 AT 7.00 PM

#### MINUTES

**Present:** *Councillors: Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Clare Billing, Ian Mantle, Louise Peace, Martin Prescott, Tom Tyson, Dave Winstanley and Sadie Billing (In place of Val Bryant).*

**In Attendance:** *Faith Churchill (PA - Director Governance), Susan Le Dain (Committee, Member and Scrutiny Officer), Anne McDonald (Principal Planning Officer (Development Management)) and Nazneen Roy (Locum Planning Lawyer).*

**Also Present:** *At the commencement of the meeting approximately 6 members of the public, including registered speakers.*

*Councillor Paul Ward was also in attendance as Ward Member Advocate.*

#### 138 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 12 seconds*

Apologies for absence were received from Councillors Val Bryant, Caroline McDonnell, Ruth Brown and Bryony May. Having given due notice, Councillor Sadie Billing substituted for Councillor Bryant.

#### 139 MINUTES - 12 FEBRUARY 2026

*Audio recording – 1 minute 32 seconds*

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

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 12 February 2026 be approved as a true record of the proceedings and be signed by the Chair.

#### 140 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 2 minutes 26 seconds*

There was no other business notified.

**141 CHAIR'S ANNOUNCEMENTS**

*Audio recording – 2 minutes 33 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 that Item 7 had been deferred from the agenda.

**142 PUBLIC PARTICIPATION**

*Audio recording – 5 minutes 57 seconds*

The Chair confirmed that the registered speakers were in attendance.

**143 25/02999/HYA REDWOOD, DEARDS END LANE, KNEBWORTH, HERTFORDSHIRE, SG3 6NL**

*Audio recording – 6 minutes 24 seconds*

The Principal Planning Officer (Development Management) presented the report in respect of Application 25/02999/HYA accompanied by a visual presentation consisting of plans and photographs.

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

- The demolition of the existing building and subsequent building of the new houses would cause harm to the local environment.
- The density and form of the proposed development was inconsistent with the requirements of the Knebworth Masterplan KB1.
- There was not sufficient justification to cause harm to the Conservation Area to facilitate access to 8 new dwellings by construction of a new road.
- Deards End Lane was already avoided by pedestrians as it was felt to be unsafe to walk along.
- The new link road would not be safe for use by either pedestrians or cyclists and any visibility would rely entirely on the removal of a hedge.
- This application did not comply with either the Local Plan or Knebworth Neighbourhood Plan policies and specifically for the Knebworth Masterplan KB1.
- This application should therefore be refused.

There were no points of clarification from Members.

The Chair thanked Mr Mitchell for his presentation and invited the second Public Objector Parish Councillor Roger Willcox to speak against the application. Mr Willcox thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Knebworth Parish Council objected to this application as it did not meet policy requirements.
- The application did not comply with the requirement of the Knebworth Neighbourhood Plan Policy that densities should respect site boundaries, trees and hedgerows, existing properties and the character of surrounding areas.
- There was not a safe pedestrian walking route from the site as there was no pavement on that side of the road.
- The houses planned at the rear of any development should be integrated within the masterplan.
- The Knebworth Neighbourhood Plan policy stated that the site should be developed at densities that respected the local character and Knebworth Garden Village Context.
- The proposed 8 new homes on the site would result in greater plot densities than homes adjacent in the Conservation Area.
- Harm from this development outweighed any benefit from the new homes and this application should be refused.

There were no points of clarification from Members.

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

- He was speaking this evening as a resident and also as a Ward Councillor for Knebworth.
- Deards End Lane was an old rural road with no pavements.
- Granting permission to this development would cause harm to the local Conservation Area.
- This application did not comply with the Local Plan and Knebworth Neighbourhood Plan policies, specifically in relation to the housing density of the outline proposal on KB1.
- The proposed new T junction would expose pedestrians and cyclists to danger, and a pavement could not be built without damage to the Conservation Area.
- This proposal would damage heritage assets, and therefore the titled balance set out in the National Planning Policy Framework was not engaged.
- The development would result in permanent harm to the Conservation Area and this harm would not be outweighed by the benefit from 8 new houses.
- This application failed heritage tests and failed key highway and pedestrian safety measures.

There were no points of clarification from Members.

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

- He was the owner and applicant for the proposed development.
- He had purchased Redwood house along with the land to the rear of the property.
- The pre application had raised concerns regarding Deards End Lane and he had made every effort to work with the Council to rectify matters.
- The last time he had been in communication with master planning was back in June 2023.

- The Council had not responded to his last email and he had still progressed with the proposed development.
- The replacement of Redwood House had been designed to reflect the arts and crafts of the local area and would be a benefit to the Conservation Area.
- Although he acknowledged that access to the development would cause some concern, this would be outweighed by the proposed 8 new homes in the area.
- Landscaping was one of the reserved matters to be dealt with at a later stage.
- This scheme could be integrated into the masterplan.

In response to a point of clarification from Councillor Tom Tyson, the Applicant advised that he was proposing to build a conservation designed footpath from Deards End Lane to Park Lane which would benefit the whole community.

In response to points raised in the verbal presentations, the Principal Planning Officer (Development Management) advised that:

- The Knebworth KB1 Masterplan has not yet been submitted and therefore was not the masterplan mentioned by the Applicant.
- This application site formed an integral part of the wider KB1 housing allocation within the Local Plan, but it was not known at this point in time how this would progress and where any connection points would be planned.

In response to points raised in the verbal presentations, Councillor Louise Peace advised that the website of the Knebworth Parish Council displayed an illustrative strategic masterplan which had been prepared by the other landowner.

Councillor Nigel Mason proposed to refuse planning permission, and this was seconded by Councillor Martin Prescott.

The following Members took part in the debate:

- Councillor Clare Billing
- Councillor Martin Prescott
- Councillor Louise Peace

Points raised during the debate included:

- Members appreciated the frustration felt by the Applicant with the lack of communication and slow progress of this application that he had experienced.
- The depth and detail provided in the report demonstrated that this was not a suitable development for the area.
- From a sustainability perspective the Council should not support an application to demolish one property to then build another in its place.

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

**RESOLVED:** That application 25/02999/HYA be **REFUSED** planning permission for the reasons set out in the report of the Development and Conservation manager.

**144 25/02260/FP NORTHWAY FILLING STATION, GREAT NORTH ROAD, HINXWORTH, BALDOCK, HERTFORDSHIRE, SG7 5EX**

*Audio recording – 42 minutes 8 seconds*

The Chair confirmed that this item had been withdrawn from the agenda to allow for further information to be clarified with National Highways.

**145 APPEALS**

*Audio recording – 42 minutes 22 seconds*

The Principal Planning Officer (Development Management) provided an update on Planning Appeals and advised that there had been appeal under the regulation of a Tree Preservation Order (TPO). This appeal had been dismissed by the Inspector as he agreed with the decision made by the Council.

The meeting closed at 8.47 pm

Chair

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# Public Document Pack

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERONON ROAD, LETCHWORTH, SG6 3JF  
ON THURSDAY, 19TH MARCH, 2026 AT 7.00 PM**

#### MINUTES

**Present:** *Councillors: Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Clare Billing, Ruth Brown, Ian Mantle, Bryony May, Louise Peace, Dave Winstanley, Mick Debenham (In place of Val Bryant) and Claire Strong (In place of Martin Prescott).*

**In Attendance:** *Amy Cantrill (Trainee Committee, Member and Scrutiny Officer), Robert Filby (Trainee Committee, Member and Scrutiny Officer), Jamie Graham (Democratic Services Apprentice), Shaun Greaves (Development and Conservation Manager), Sarah Kasparian (Senior Planning Officer), James Lovegrove (Committee, Member and Scrutiny Manager) and Nazneen Roy (Locum Planning Lawyer).*

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

#### 146 APOLOGIES FOR ABSENCE

*Audio recording – 1 minute 53 seconds*

Apologies for absence were received from Councillors Caroline McDonnell, Val Bryant, Tom Tyson and Martin Prescott.

Having given due notice, Councillor Claire Strong substituted for Councillor Prescott and Councillor Mick Debenham substituted for Councillor Bryant.

#### 147 NOTIFICATION OF OTHER BUSINESS

*Audio recording – 2 minutes 15 seconds*

There was no other business notified.

#### 148 CHAIR'S ANNOUNCEMENTS

*Audio recording – 2 minutes 19 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 that there had been an additional meeting of the Planning Control Committee scheduled for Tuesday 21 April 2026.

**149 PUBLIC PARTICIPATION**

*Audio recording – 4 minutes 46 seconds*

The Chair confirmed that the registered speakers were in attendance.

**150 24/01013/HYA LAND SURROUNDING BURLOES COTTAGES, NEWMARKET ROAD, ROYSTON, HERTFORDSHIRE**

*Audio recording – 5 minutes 22 seconds*

*N.B. Councillor Bryony May Declared an interest and moved to the public speaking area to act as Member Advocate.*

The Senior Planning Officer advised that written updates on matters relating to application 24/01013/HYA had been published as a supplementary document and advised that, item 1 needs to be revised as Natural England requested the Recreation Mitigation Strategy to be agreed before the decision so the following should be added to the recommendation “A revised Recreation Mitigation Strategy, in consultation with and receipt of no objection from Natural England, and delegate power to the Development and Conservation Manager to agree this.”

The Senior Planning Officer presented the report in respect of Application 24/01013/HYA accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Louise Peace
- Councillor Claire Strong
- Councillor Nigel Mason

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

- It was standard practice for the Section 106 not to be finalised at this point and therefore it was in draft form.
- The independent viability report looked at the site as a whole. Even though the first third has come forward with a good housing mix, the other two thirds have been estimated. The S106 agreement would cover the entire site and there would not be a lowering of the amount owed in S106 contributions as the viability review progressed.
- The 22% provision of affordable housing could not go down for the rest of the site, it could however go up.
- There were no flats in this phase of the development. Increased height buildings would be in the bowl on the site up to 3.5 storeys or 15m, for example due to topography with 2.5 storeys in the upper slope and the 3.5 storeys in the lower side.
- The emergency access was not a public right of way.
- Most of the Biodiversity Net Gain would be on site, with some off-site provisions.
- Strand 1 Highways works would be complete before occupation and the Strand 2 works would be complete after occupation.

- Sports England use a calculator which suggested that Royston did not need more changing rooms, but needed more cricket and hockey facilities.
- There was not an option to look at sports on Newmarket Road at the time.
- The viability report was done by the applicant and their consultant, this was then reviewed by Officers.

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

- The viability review mechanism works in a way that if viability improves further contributions would be needed, however if viability worsens there would not be a reduction in financial contributions.
- This was the minimum financial contribution that the applicant will have to pay.

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

- The Section 106 was a legal agreement which ties the applicant into certain contributions, these must be provided even if viability changes.
- The Planning Committee should be only focusing on the planning application in front of them.

In response to questions, the Senior Transport Policy Officer advised that, there was not a public right of way along the road that would be used as emergency access, but there would be an active travel access in the north-east corner which would be closed to the Newmarket Road.

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

- He was speaking as Chair of the Conservators of Therfield Heath and Greens.
- In 2019 he addressed the Planning Control Committee about the harmful impact of development on the Therfield Heath Site of Special Scientific Interest (SSSI) since then the area had worsened.
- In 2024 Natural England downgraded the SSSI, the area was under pressure and no longer recovering.
- Every time developments were permitted without sufficient mitigation the SSSI was damaged, he hoped that he would not come to the Council in the future to state that the aspects that made it and SSSI had been destroyed.
- Since 2019 the Council had declared a climate emergency and later an ecological emergency.
- The Council had a Local Plan that at paragraph 4.16.2 stated that in the absence of any European habitat sites in a district, it would give Nationally important sites levels of protection reserved for European sites.
- The Council agreed a supplementary planning document which extended policy to include Therfield heath SSSI mitigation strategy, which was later agreed with Natural England as a material planning consideration.
- The section 106 funding for SSSI was £350 per dwelling which when indexation was included worked out lower than that of a 2020 planning application on the same site.
- Sport would receive 100% of the funding that requested so why would Therfield Heath not.
- He requested that the item be deferred due to the declared ecological emergency, to allow the applicant more time to agree with natural England a revised recreation mitigation strategy.
- The strategy should give all funds that were requested not 28% of funds.
- The SSSI could not be protected by conditions or reserve matters.

In response to a point of clarification from Councillor Ian Mantle, Mr Hall responded that the development was in the inner zone of the SSSI which was classified as within a 1.9km radius.

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

- Her purpose was to put forward the views of the Royston Meridian Ward Members who were unable to attend this evening. The comments that follow were of qualified acceptance.
- The proposal had been well put together and would meet housing need but there were reasons for concern.
- There could have been comparison with the Barkway Road site previously refused by the Planning Control Committee, however this site was in the local plan and had previously granted permission.
- Whilst building on this site involved the loss of country side it was a natural extension of the town and could be integrated well.
- The route into town was flat and cycling and walking had been properly considered, it was also in walking distance to the Kings James Academy.
- It was also welcome that there had been a proposal to provide more pedestrian access to Studlands Rise First School, while minimising the impact on Bury Plantation.
- The applicant had engaged with the local community and had improved the plan following that engagement.
- However, the Members did not accept the highways statement that there was no need for mitigation at the junction between Newmarket Road and the A505. The highways authority was embarking on a safety review of a different section of the A505.
- The mitigation for the junction should be to close the right turn exit and direct traffic to the roundabout to the west, making the junction safer.
- The second issue was the section 106 contributions for Therfield heath SSSI, were the level of financial contribution for mitigation measures continues to be in an arbitrary fashion. The conservators had made their position very clear that contributions were not sufficient, nor had they been contacted early enough to reach an agreement.
- Affordable housing being set at 22% which was better than nothing but less than 40% required by the adopted Local Plan. The reasons for this lower level on this site were specific, and it was important that this would not set a precedent for other development.

There were no points of clarification from Members.

The Chair thanked Councillor May for his presentation and invited the Applicants agent, Mr David Fletcher to speak in support of the application. Mr Fletcher thanked the Chair for the opportunity to speak and provided the Committee with a verbal presentation, and highlighted the following:

- The planning application had been a collaborative process between applicants and planning officers, which was underpinned from a Planning Performance Agreement (PPA) agreed from the outset.
- The PPA included the hybrid planning application and the preparation and completion of the strategic masterplan framework.
- As part of the strategic masterplan process there were a number of design workshops with the Planning, Urban Design, Ecology and, Transport Officers, as well as the Highways Authority.
- He thanked the local Member for comments about the engagement process, which he felt had been positive, and included attending the Royston Community Forum.
- The scheme would deliver a number of benefits for future and existing residents, including a crossing over Newmarket Road, a new footway, a new cycle way, a package of section 106 contributions, and bus access in the first stage of development.

- A contribution of £875,000 had been allocated to support a new bus service early on in the development.
- Consideration had also been given to Therfield Heath and a detailed recreation strategy was submitted as part of the planning application.
- The Scheme includes a 2.7km walking route on land to the south of the site which will be a fully dogs of lead site, benefiting new and existing residence.
- In terms of next steps if planning permission was given then development would commence immediately on site.
- A contribution of £875,000 had been allocated to support a new bus service early on in the development.
- Consideration had also been given to Therfield heath and a detailed recreation strategy was submitted as part of the planning application.
- The Scheme includes a 2.7km walking route on land to the south of the site which will be a fully dogs of lead site, benefiting new and existing residence.
- In terms of next steps if planning permission was given then development would commence immediately on site.

The following members asked points of clarification:

- Councillor Ruth Brown
- Councillor Claire Strong

In response to points of clarification Mr Fletcher responded:

- The bus turning loop will be part of phase one to allow busses into the site as soon as possible, however a new bus service would not begin until there were enough residents to use it.
- The applicant was keen to get busses into the site, to get residents into the habit of using them.
- The footpath would be constructed as informal route to dog walk, the formal details around material will be agreed as part of the section 106, and the landowner will be in charge of maintenance. The pathway would be secured for 80 years which effectively meant it was secured in perpetuity.

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

- The footpath would be set out in the section 106; the materials would normally be agreed by the rights of way and would be in keeping with the countryside.
- There were two triggers for the footpath either 80 years or the lifetime of the development.
- It was a planning judgement to look at the viability of the plot, and 22% affordable housing was the best option allowed.
- The social housing mix was policy compliant with a 65%, 35% mix.
- The mix of housing sizes was 36% of the housing being 4 and 5 bedroom houses and the remaining 64% would be 1, 2 and 3 bedroom houses.

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

- Regarding the safety of the junction between Newmarket Road and the A505, the applicant looked at a 5 year history, which reported there had been two incidents recorded at that junction which were serious, however from a planning perspective it had been deemed that this development would not make things worse.
- The junction was a highways matter however some of the strand 2 contributions could go towards making it safer if highways and the applicant were both agreeable.

- The first contribution for the bus service will be prior to occupation, it will be up to the bus team when a bus service will be provided but it was an option that an existing service may be diverted.

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

- Local Plan Policy HS2 stated that the target for affordable housing for developments of 25 dwellings or more was 40%. However, the affordable housing target was subject to viability.
- Natural England had confirmed in their response that they were broadly satisfied with the mitigation measures proposed subject to these being detailed in a revised strategy.

In response to a question by the Chair, the Development and Conservation Manager advised that the condition raised in the supplementary document was no longer needed.

*N.B. Following the conclusion of the public participation, Councillor Bryony May left the chamber.*

Councillor Nigel Mason proposed to grant planning permission, and this was seconded by Councillor Dave Winstanley.

The following Members took part in the debate:

- Councillor Claire Strong
- Councillor Ruth Brown

Points raised during the debate included:

- That traffic should not take a particular route through the town.
- Overall the Strategic Masterplan was good and was an improvement on the 2020 application.
- The provision of an active travel route was an important improvement.
- The Section 106 contributions were good especially including sport.
- It was disappointing that the full contribution for Therfield Heath had not been agreed.
- Engagement from the applicant was very welcome.

As part of the debate Councillor Claire Strong proposed an amendment to condition 29 g to be worded that "Timing of construction activities (including delivery times and removal of waste) and to avoid the hours 08.00-9.15 and 15.00-15.45;" and Councillor Ruth Brown seconded, and following a vote it was carried.

As part of the debate Councillor Ruth Brown proposed an amendment to condition 29 to demand a specific route in for construction traffic. However, following advice from Officers that this would be too specific, the amendment was withdrawn.

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

**RESOLVED:** That application 24/01013/HYA be **GRANTED** planning permission, subject to:

- a) The completion of a satisfactory legal agreement including a conditional viability review mechanism and for officers to negotiate appropriate viability review triggers to ensure that viability is revisited at appropriate junctures throughout the development.
- b) The applicant agreeing to extend the statutory period in order to complete the agreement as required.
- c) Providing delegated powers to the Development and Conservation Manager to update conditions and informative with minor amendments as required.

- d) A revised Recreation Mitigation Strategy, in consultation with and receipt of no objection from Natural England, and delegate power to the Development and Conservation Manager to agree this.
- e) Conditions as set out in the report, subject to the amendments to Condition 29 g shown below:

*Condition 29 g*

*“Timing of construction activities (including delivery times and removal of waste) and to avoid the hours 08.00-9.15 and 15.00-15.45;”*

*N.B. Following the conclusion of this item there was a break which ended at 20:50 and Councillor Bryony May returned to the chamber.*

**151 25/01420/FP HIGHOVER FARM, HIGHOVER WAY, HITCHIN, HERTFORDSHIRE, SG4 0RQ**

*Audio recording – 1 hour 29 minutes 57 seconds*

*N.B. Councillor Nigel Mason declared an interest in this item, left the chamber and Councillor Emma Fernandes took over as Chair.*

The Senior Planning Officer presented the report in respect of Application 26/01420/FP and 25/01383/LBC accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ruth Brown
- Councillor Claire Strong
- Councillor Louise Peace
- Councillor Bryony May
- Councillor Mick Debenham

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

- The access to this site was connected to the larger HT1 site, the highway comes straight up to the access road to the site, but was currently untarmacked. This road would curve in to the farmyard at a more logical angle.
- The new active travel corridor would carry on straight HT1.
- There was enough space for 42 waste bins or there was an option for the larger euro bins. If occupants subscribe to the garden waste bin then that would be kept in their gardens.
- Units 3-8 would all have access to the shared bin store, and other properties would have access to smaller bin stores on their property.
- There was sufficient space provided for the refuse vehicles to turn.
- This site was completely separated from the HT1 site and should be considered completely separately.
- The site does not provide any affordable housing but a £493,000 commuted sum toward affordable housing would be provided.
- Each dwelling had its own garden; there was no other green spaces on the site other than the Biodiversity Net Gain area. The Threshing Barn Green would be next to the site.
- All the inside barn beaming will stay and be preserved while the outside of the barn will be re-cladded.

The Chair invited the Member Advocate Objector, Councillor Daniel Wright-Mason to speak against the application. Councillor Wright-Mason thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- He was here to not to object but to raise a number of points on behalf of residents living near the planned development.
- Flooding and drainage were issues in relation to existing conditions on the access road, as well as how water behaved on the site.
- There was significant flooding in Hitchin including Woolgrove Road over a year ago, which had led to residents being more aware of the risk of flooding. This has led to questions about this site and the larger Hive farm site and how surface water would be managed.
- He asked Members to consider the lead flood authorities final position, how the proposed drainage approach responds to local ground conditions and how this scheme fitted in the wider drainage strategy.

There were no points of clarification from Members.

The Chair thanked Councillor Wright-Mason for his presentation and invited the Applicants agent, Mr Ian Coward to speak in support of the application. Mr Coward thanked the Chair for the opportunity to speak and provided the Committee with a verbal presentation, and highlighted the following:

- After over a year of preapplication discussions the applicant was pleased to be before Committee with the recommendation to grant permission.
- The site had been vacant for some time, and the grade two listed threshing barn was in very poor state of repair and intervention was required.
- National policy recognises that small and medium schemes come forward efficiently and as soon as the applicant was able, they would start with the barn conversion.
- It was rewarding to bring heritage assets back to life and ensure their continued stewardship.
- There would be a balance of hard standing and green space, whilst accommodating all that was needed for 14 units including car parking and refuge provision.
- A scheme of this nature was different from volume house building schemes and provided a different type of home, specifically for those attracted to heritage properties.
- A mix of housing styles and types would be provided.
- It links in successfully to the larger HT1 site with a footpath linking the two.
- The lead flood authority was happy with the scheme.
- An obligation package was provided in accordance with viability for the site.

There were no points of clarification from Members.

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

The following Members took part in the debate:

- Councillor Claire Billing
- Councillor Claire Strong
- Councillor Ruth Brown
- Councillor Dave Winstanley
- Councillor Bryony May

Points raised during the debate included:

- It was great to see a listed building brought back to life and preserved for future generations.
- It looked like a nice scheme, reasonable size and an improvement on the current site.
- The barn was being maintained very tastefully.
- There was a good housing mix provided, including bungalows.
- It was good that there was an active travel route into the larger development.

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

**RESOLVED:** That application 25/01420/FP be **GRANTED** planning permission, subject to:

- a) The completion of a satisfactory legal agreement.
- b) The applicant agreeing to extend the statutory period in order to complete the agreement as required.
- c) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required.
- d) The conditions as set out in the report.

**152 25/01383/LBC HIGHOVER FARM, HIGHOVER WAY, HITCHIN, HERTFORDSHIRE, SG4 0RQ**

*Audio recording – 1 hour 59 minutes 12 seconds*

In answer to a point of clarification from Councillor Ian Mantle, the Senior Planning Officer advised that the Conservation Officer had approved this application with conditions, and this Listed Building Consent was required to support the Full Planning granted in the previous item.

Councillor Emma Fernandes proposed to grant planning permission, and this was seconded by Councillor Ruth Brown.

As part of the debate Councillor Claire Strong commented that the barn conversion looked stunning.

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

**RESOLVED:** That application 25/01383/LBC be **GRANTED** planning permission, subject to:

- a) The issuing of full planning permission for the farmyard reference 25/01420/FP.
- b) Providing delegated powers to the Development and Conservation Manager to update conditions with minor amendments as required.
- c) The applicant agreeing to extend the statutory period in order to complete the agreement as required.
- d) The conditions as set out in the report including the additional Condition 11 as outlined in the supplementary documents as follows:

*Condition 11*

*“ Details of the floor finish to the Entrance Hall to Unit 4 in the listed barn on approved drawing no. 2208.LBC.03A shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the alterations hereby approved. Thereafter the finish of the former threshing floor shall be installed in accordance with the approved details.*

*Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the Local Plan.”*

**153 APPEALS**

*Audio recording – 2 hours 4 minutes and 3 seconds*

**Thursday, 19th March, 2026**

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

- There were no appeal decisions to report.
- One appeal had been lodged relating to a storage unit site at Cadwell Lane in Hitchin.
- A full update on an appeal decision relating to The Cabinet in Reed would be provided at the next meeting of the Committee.

The meeting closed at 9.20 pm

Chair

<b>ITEM NO:</b>	
<u>Location:</u>	<b>Land at Campfield Way and Highover Way, Letchworth Garden City</b>
<u>Applicant:</u>	<b>Settle Group</b>
<u>Proposal:</u>	<b>Redevelopment of site comprising demolition of existing buildings and provision of 157 dwellings; associated roads, landscaping, open space, car and cycle parking provision, drainage and infrastructure works and all associated ancillary works (as amended)</b>
<u>Ref. No:</u>	<b>24/00326/FP</b>
<u>Officer:</u>	<b>Sarah Kasparian</b>

**Date of expiry of statutory period:** 4 June 2024

**Extension of statutory period:** 22 April 2026

### **Reason for Delay**

Due to detailed negotiations and re-consultation, and subsequent pre-determination archaeological investigations

### **Reason for Referral to Committee**

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

## 1.0 **Site History**

1.1 The site comprises a 1950s development around Highover Road and Campfield Way of Hawksley Bungalows and a series of brick-built maisonettes along Icknield Way.

1.2 There were applications in 2008 (ref. 08/01422/1CAC and 08/01265/1) for the demolition of 60 bungalows and erection of 99 dwellings and associated infrastructure. These applications were refused planning permission for the following reasons, in summary:

1. The bungalows considered as a group, with their layout and design make a positive contribution to the character and appearance of the Conservation Area. The lack of evidence in favour of their demolition was lacking and so there was a strong presumption in favour of retaining those buildings;
2. The proposed redevelopment would not be an acceptable standard of design and layout, including informal open spaces, formal layout, lack of sense of openness, lack of open space to the front of buildings, and impact on adjacent open spaces to the detriment of the existing pattern of development and open spaces;

3. Insufficient information of archaeology at the site; and
  4. Lack of a completed s106 agreement to secure planning obligations.
- 1.3 The site is within the Letchworth Garden City Conservation Area. The site relates to all of Character Area no.8, which was added in 1990.
- 1.4 There was a request for a Screening Opinion under Environmental Impact Assessment regulations in 2022 (ref. 22/03060/SO) for up to 190 dwellings. Officers determined that the proposals would not be thought to give rise to 'significant impacts' and so would not require an Environmental Impact Assessment and Environmental Statement to accompany the application. This application is for a fewer number of homes and so covered by the previous opinion.

## 2.0 **Policies**

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

Adopted 8<sup>th</sup> November 2022

Policy SP1: Sustainable Development in North Hertfordshire  
 Policy SP2: Settlement Hierarchy  
 Policy SP5: Countryside and Green Belt  
 Policy SP6: Sustainable transport  
 Policy SP7: Infrastructure requirements and developer contributions  
 Policy SP8: Housing  
 Policy SP9: Design and sustainability  
 Policy SP10: Healthy communities  
 Policy SP11: Natural resources and sustainability  
 Policy SP12: Green infrastructure, biodiversity and landscape  
 Policy SP13: Historic Environment  
 Policy T1: Assessment of transport matters  
 Policy T2: Parking  
 Policy HS1: Local Housing Allocations  
 Policy HS2: Affordable Housing  
 Policy HS3: Housing Mix  
 Policy HS5: Accessible and adaptable housing  
 Policy D1: Sustainable design  
 Policy D3: Protecting living conditions  
 Policy D4: Air quality  
 Policy HC1: Community facilities  
 Policy NE1: Strategic green infrastructure  
 Policy NE2: Landscape  
 Policy NE4: Biodiversity and geological sites  
 Policy NE6: New and improved open space  
 Policy NE7: Reducing flood risk  
 Policy NE8: Sustainable drainage systems  
 Policy NE9: Water quality and environment  
 Policy NE10: Water conservation and wastewater infrastructure  
 Policy HE1: Designated heritage assets  
 Policy HE4: Archaeology

## 2.2 **Supplementary Planning Documents**

Design SPD

Developer Contributions SPD 2023

Vehicle Parking Provision at New Development SPD (2011)

## 2.3 **National Planning Policy Framework (February 2019)**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 13: Protecting Green Belt land

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

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

## 2.4 **Hertfordshire County Council**

Local Transport Plan (LTP4 – adopted May 2018)

Hertfordshire Waste Core Strategy and Development Management Policies

Development Plan Document 2012

## 2.5 **National Planning Practice Guidance**

Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

## 3.0 **Representations**

### **Technical Consultees**

- 3.1 **Place Services: Heritage Advice** – Following re-consultation on amended plans, heritage advice was sought from Place Services due to in house resourcing. Initially, no objection in principle to the demolition of the bungalows, although regrettable, the applicant has demonstrated the buildings are at the end of their life. Recommend Design Review Panel as well as input from Urban Design to further refine design to better reflect garden city principles. Place Services concludes that heritage significance is derived from the vast size of the Conservation Area, its multiple and distinct areas covering a range of land uses, purposes and periods. The proposals relate to the demolition of all buildings within one Character Area – Campfield Way, which was added to the Conservation Area in 1990. This Sub-Area is distinctive and contributes to the Conservation Areas significance as a later phase, following a *'block plan and layout comparable to sections of the original masterplan, but incorporating a unique building type of the period. The Campfield Way Character Area also contributes to the Conservation Area due to its historic interest as a post-war phase of development, and architecturally as an example of the innovation of the period'*. Overall, Place Services conclude that the Character Area contributes positively to the historic and architectural special interest of the Conservation Area, and that the proposals will result in a high level of 'less than substantial harm'. It is the responsibility of the Local Planning Authority to assess whether the public benefits outweigh the harm in accordance with para.215 of the NPPF whilst applying the general

duty to give special consideration to the 'desirability of preserving and enhancing the character and appearance of that area' under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Recommendation, if granting permission to impose conditions relating to historic building recording scheme and a 'heritage interpretation strategy' with the LGC Heritage Foundation and Garden City Museum.

- 3.2 **NHDC Urban Design Officer** – No objection. Initially recommended that the proposals are seen for a second time by Design South East due to concerns relating to the scale of Building R along Icknield Way, various layout matters and the design of the architectural details. Since the resubmission of amended plans, further comments were made in relation to the layout and access of back gardens in terraced properties. The applicant submitted amended plans have addressed these comments from Design South East.
- 3.3 **NHDC Waste and Recycling** – Further information was requested on vehicle tracking. No further response was received on the additional information.
- 3.4 **NHDC Environmental Health (Contaminated Land)** – No objection, subject to a condition for a further phase 2 investigation report.
- 3.5 **NHDC Environmental Health (Air Quality)** – No Objection, subject to a condition and informative for Electric Vehicle charging.
- 3.6 **NHDC Environmental Health (Noise)** – No objection, subject to a condition for a scheme for proposed dwellings from transport noise.
- 3.7 **NHDC Housing Development Officer** – No objection. Officers support the proposals, which exceed policy requirements for affordable housing. The proposals meet local housing need generally including the needs of families requiring two-bedroom homes and a growing number of households requiring M4(3) wheelchair standard accommodation.
- 3.8 **NHDC Greenspace Manager** – No objection, subject to stewardship arrangements of greenspaces where it is currently maintained by the Council but could pass to Settle as with other similar sites in Letchworth. Request to review the need for play areas.
- 3.9 **NHDC Ecology** – No objection. Initial preference for on-site BNG, especially within the public realm. Following re-consultation on amended plan, it is acknowledged that there is no ecological objection to the proposals, noting that the development will deliver 10% BNG through on site habitat creation and the addition of off-site units, using land that the applicant (Settle) owns in the local area. Note that the PEA does not take account for recommendations of the External Lighting Report regarding limits on luminaire less than 2700k and low level lighting. A condition is recommended to address this matter.
- 3.10 **NHDC Leisure** – No comments received.
- 3.11 **HCC Highways** – No objection subject to conditions. Concern over construction phase and access to the footbridge. Footbridge part of the Letchworth greenway and maintained by Hertfordshire highways but is not a registered Right of Way.
- 3.12 **HCC Growth and Infrastructure** – No objection, subject to contributions towards services and infrastructure.

- 3.13 **Lead Local Flood Authority (LLFA)** – No objection following submission of additional information, subject to conditions.
- 3.14 **HCC Historic Environment (Archaeology)** – Comments initially regarding the need for pre-determination trial trenching. WSI agreed with Archaeology during the course of the application which has now been undertaken. Archaeology now raises no objection subject to further archaeological investigations post determination.
- 3.15 **HCC Minerals and Waste** – No objection, subject to condition for a Site Waste Management Plan.
- 3.16 **HCC Fire and Rescue Services** – No response received.
- 3.17 **HCC Water Officer** – No objection, subject to condition for a fire hydrant.
- 3.18 **HCC Countryside and Rights of Way Officer** – No response received. See Highway Authority comments.
- 3.19 **Environment Agency** – No response received.
- 3.20 **Historic England** – No objection. Initially comments recommended a review of Block R fronting Icknield way and review of the scheme from NHC Conservation and Urban Design Officers. Following re-consultation the amendments are welcomed. Further suggestions were made and discussed with the NHC Urban Designer. Recommendation for conditions including a survey of all existing bungalows prior to demolition as a record of this period in the history of the Garden City and an appropriate interpretation scheme is discussed and agreed with Conservation Officer and LGCHF.
- 3.21 **National Highways** – No objection, subject to condition for a Construction Traffic Management Plan.
- 3.22 **NHS Clinical Commissioning Group** – No response received initially. On re-consultation, no objection subject to contributions toward local GP services.
- 3.23 **Herts Constabulary (Crime Prevention Design Advisor)** – No response received.
- 3.24 **Active Travel England** – No objection, subject to standing advice.
- 3.25 **Sport England** – No objection. Reference made to NPPF Section 8 on promoting healthy communities; PPG Health and Wellbeing section; and Sports England Active Design Guidance.
- 3.26 **Thames Water** – No objection, subject to informative regarding build over agreement.
- 3.27 **Affinity Water** – No comments.

- 3.28 **Anglian Water** – No objection to wastewater treatment, used water network, subject to informatives, and surface water disposal, subject to securing plan no. FRA 11895 Dec 2024 18/12/24/11895/1101 Rev P9 as an approved plan.
- 3.29 **Network Rail** – No objection, subject to informatives about working close to the railway.
- 3.30 **National Grid (Asset Protection Team)** – No response received.
- 3.31 **National Gas** – No objection, as there are no National Gas assets affected in the area.
- 3.32 **Letchworth Garden City Heritage Foundation** – No objection. Supports the principle of replacement of the site due to age and condition of existing buildings. Support for delivery of housing, especially affordable, provision of a sufficient quantum that is viable and deliverable; preservation of the Greenway; and the need to provide a design, scale and massing respectful of its Garden City setting. Considered previous layouts to be an overdevelopment but believes the changes made in the application are a good balance. Support for contemporary design, focal points. Noted garden sizes below standard but balanced with ‘useable public open space’.

#### **Resident and Neighbour Residents**

- 3.33 The application has been advertised via 430 neighbour notification letters, the display of several site notices and a press notice. At the time of finalising this report, there had been two periods of consultation on this application with residents at the site and neighbouring it. The applicant has also undertaken their own extensive public consultation with residents while working on the proposals. Representations have been received from current residents of the estate, as well as some former residents and other residents in the area. Overall, 19 comments have been received including 9 objections, 6 in support and 4 neutral comments.
- 3.34 The objections and the issues raised by residents are summarised as follows:
- Loss of unique and historic buildings, which have retained their original form, materials and appearance
  - Loss of the bungalows which are historically and culturally significant for residents of Letchworth
  - Concern that people will be losing their homes
  - Suggestion that the buildings should be listed, and proposal to retain one bungalow for historic preservation either on site or off site
  - Buildings should have received better maintenance and if they had would not require replacement now
  - Consideration that residents who move out for redevelopment will not move back and that existing residents will not be offered the same standard of accommodation as before on the new site, with particular reference to garden space
  - Concern that the proposals will detract from the town’s character as an over development of the site and not accord with the Garden City principles
  - Not enough green space provided on site
  - Poor design of proposed new buildings, particularly the blocks of flats

- Concern over the closing up of one of the two existing accesses for safety of residents where the vehicular access is reduced and the number of homes increased
- Concern about access to the site by emergency vehicles
- Concern from local Head Teachers regarding the closure of the footbridge during the construction period which would cause timetable problems for students who walk between school sites during the school day
- Lack of services and infrastructure to provide for increase in number of new homes (doctors, dentists)
- Consideration should be given to ecology including existing animals within the site and suggestion that there should be a pond on site, use of bee bricks, bat and bird (inc. swift) boxes and hedgehog homes and highways to support wildlife
- Consideration should be given to retention of existing mature trees, and re-planting mature trees rather than saplings, as new landscaping and small trees cannot support wildlife like mature trees can
- Consideration that increasing the population will increase anti-social behaviour, which is an increasing problem in the area

3.35 Comments in support include:

- The bungalows are not fit for purpose with many comments relating to the poor standard of the buildings (such as damp, mould and leaks)
- It is an opportunity to provide better insulated and energy efficient homes, which are expensive to heat in the winter
- Recognition of the prohibitive cost required to refurbish the existing bungalows
- Support for the redevelopment to provide a wider range of types of homes to suit different needs
- Support for the community led approach taken as well as priority for environmental sustainability
- Support for provision of well thought out greenspaces within the redevelopment and reflection of Letchworth Garden City principles
- Recognition of the anti-social behaviour problem in the area caused by the increasing vacancy rate of homes within the application site and that the redevelopment will result in a better designed layout with 'passive surveillance' including around the entrance to the footbridge

3.36 There was much less feedback from the second round of public consultation, but those who did respond reiterated many of the previous comments, which are all included in the above summary.

#### 4.0 **Planning Considerations**

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

4.1 The site is located on the western side of Letchworth Garden City, within the urban area but adjacent to the Green Belt boundary. The site is north of and adjacent to the railway line, and to the east of Fearnhill Secondary School with its playing fields along the southern boundary. Icknield Way forms the northern boundary of the site and Martin Way to the east, with associated residential areas.

- 4.2 The application site is about 4.6 hectares, and comprises Campfield Way and Highover Road, including all residential properties and are entirely within the Conservation Area. Existing maisonettes along Icknield Way (odd nos. 51-75) are also included within the application site, which are within the ownership of the applicant, but are not within the Conservation Area. There are 30 buildings which make up 60 bungalows on Campfield Way and Highover Road, and another 7 two storey buildings comprising 28 homes on Icknield Way.
- 4.3 There are two vehicular accesses to the site from Icknield Way: Campfield Way that joins Highover Road; and Highover Road that leads to the footbridge over the railway line to Chiltern View and also provides access to Martin Way. There is a substation on grass verge to the east of the access at Highover Road. The footbridge over the railway line forms part of the Letchworth Greenway and it is owned and maintained by Hertfordshire County Council Highways.
- 4.4 In terms of landscaping, there are many mature trees on the site, given the residential development here is over 70 years old, but which is associated with private gardens and street trees. The area is characterised by wide grass verges and with a built form pattern reflective of the garden city principles.

### Proposal

- 4.5 This is a full planning application for the redevelopment of the site comprising demolition of all existing buildings and provision of 157 new dwellings with associated roads, landscaping, open space, car and cycle parking, drainage and infrastructure works, and all associated ancillary works.
- 4.6 The proposals were amended following Design Panel Chair's Review advice received in July 2024. The applicant has revised the buildings along Icknield Way in scale, massing and design; revised the strategy and design of balconies across the site; made changes to the layout of buildings and routes at the southern end of the site to improve the relationship with the footbridge; as well as other minor changes to improve design.
- 4.7 The planning application has also been updated to address comments from statutory consultees with the submission of amended technical work to support the proposals.
- 4.8 In terms of housing numbers, the proposals involve the loss of 88 residential dwellings and the gain of 157 new dwellings, with a net gain of 69 units as per the table below:

	Existing	Proposed
<b>One bed flat</b>	24	40
<b>Two bed flat</b>	4	57
<b>Three bed flat</b>	5	1
<b>Two bed house</b>	0	34
<b>Three bed house</b>	55	20
<b>Four+ bed house</b>	0	5
	88 of which 92% is affordable (8% is market housing)	157 of which 100% is affordable – minimum of 53% will be for social rent; and 47% will be intermediate tenure

- 4.9 The 60 Hawksley three-bedroom semi-detached bungalows, which comprise 30 buildings, are within the Letchworth Conservation Area. The properties 49-75 Icknield Way are within the application site, and not within the Conservation Area. All buildings would be demolished as part of the plans.
- 4.10 The application is supported by the following plans:
- Location Plan CW-RTA-XX-XX-DR-A-00001
  - Existing site Plan CW-RTA-XX-XX-DR-A-00002
  - Existing site Plan with constraints CW-RTA-XX-XX-DR-A-00003
  - Existing Legal Ownership Plan CW-RTA-XX-XX-DR-A-00012-
  - Existing site open spaces plan CW-RTA-XX-XX-DR-A-00013
  - Existing Bungalows-Elevations Sections & Plans CW-RTA-XX-XX-DR-A-00020-
  - Existing Site Wide Elevations CW-RTA-XX-XX-DR-A-00030
  - Existing Site Wide Elevations CW-RTA-XX-XX-DR-A-00031
  - Bungalows Highover East & West Elevations CW-RTA-XX-XX-DR-A-00032
  - Existing Site Wide Elevations – Flat Icknield Way CW-RTA-XX-XX-DR-A-00033-
  - Proposed Location Plan CW-RTA-XX-XX-DR-A-00100
  - Proposed Site Plan CW-RTA-XX-XX-DR-A-00101 PL13
  - Topographic CW-RTA-XX-XX-DR-A 00102
  - Constraints CW-RTA-XX-XX-DR-A 00103
  - Garden City Design Principle Overlay CW-RTA-XX-XX-DR-A-00104
  - Building Types Plan CW-RTA-XX-XX-DR-A 00112 PL07
  - Building Heights Plan CW-RTA-XX-XX-DR-A-00113 PL07
  - Parking Strategy CW-RTA-XX-XX-DR-A-00114 PL07
  - Amenity Strategy CW-RTA-XX-XX-DR-A-00115 PL07
  - Refuse Strategy CW-RTA-XX-XX-DR-A-00116 PL07
  - Fire Strategy CW-RTA-XX-XX-DR-A-00117 PL07
  - Existing site levels CW-RTA-XX-XX-DR-A-00118 PL03
  - Proposed Site Management Plan CW-RTA-XX-XX-DR-A-00119 PL03
  - Phasing Strategy CW-RTA-XX-XX-DR-A-00120 PL03
  - Hard & Soft Landscape Strategy CW-RTA-XX-XX-DR-A-00121, CW-RTA-XX-XX-DR-A-00122 and CW-RTA-XX-XX-DR-A-00123
  - Character Areas - The Avenues CW-RTA-XX-XX-DR-A 00130 PL07
  - Character Areas - The Lanes CW-RTA-XX-XX-DR-A-00131 PL07
  - Campfield East and West Elevations CW-RTA-XX-XX-DR-A-00141 PL07
  - Campfield North and South Elevations CW-RTA-XX-XX-DR-A 00142 PL04
  - Campfield 'Accent' E&W Elevations CW-RTA-XX-XX-DR-A-00143
  - Campfield 'Footpath' N&S Elevations CW-RTA-XX-XX-DR-A-00144 PL04
  - Highover East and West Elevations CW-RTA-XX-XX-DR-A-00145
  - Highover North and South Elevations CW-RTA-XX-XX-DR-A-00146
  - 'Accent' North and South Elevations CW-RTA-XX-XX-DR-A-00147
  - Highover East and West Elevations (Bungalows) CW-RTA-XX-XX-DR-A-00148
  - Proposed Site Wide Elevations- Icknield Way CW-RTA-XX-XX-DR-A-00149
  - Visualization Axonometric View 1 CW-RTA-XX-XX-DR-A-00161
  - Visualization Axonometric View 2 CW-RTA-XX-XX-DR-A-00162
  - Construction phasing CW-RTA-XX-XX-DR-A-00180
  - Bldg A - Ground, First Floor and Roof Plans CW-RTA-XX-XX-DR-A-00210-

- Bldg A - North and East Elevations and Section CW-RTA-XX-XX-DR-A-00212-
- Bldg A - Southeast and West Elevations and Section CW-RTA-XX-XX-DR-A-00213-
- Bldg F - Ground and First Floor Plans CW-RTA-XX-XX-DR-A-00220
- Bldg F - Second Floor and Roof Plans CW-RTA-XX-XX-DR-A-00221
- Bldg F - South & West Elevations and Sections CW-RTA-XX-XX-DR-A-00222
- Bldg F - North & East Elevations and Sections CW-RTA-XX-XX-DR-A-00223
- Bldg J - Ground, First Floor and Roof Plans CW-RTA-XX-XX-DR-A-00230
- Bldg J - South & Northeast Elevations and Sections CW-RTA-XX-XX-DR-A-00231
- Bldg J - North & West Elevations and Sections CW-RTA-XX-XX-DR-A-00232
- Bldg Type H,L Ground, First Floor & Roof Plans CW-RTA-XX-XX-DR-A-00240
- Bldg Type H,L Street, Elevations and Sections CW-RTA-XX-XX-DR-A-00241-
- Bldg Type H,L Courtyard, Elevations and Sections CW-RTA-XX-XX-DR-A-00242
- Bldg P - Ground, First Floor & Roof Plans-.pdf CW-RTA-XX-XX-DR-A-00243
- Bldg P - Elevations CW-RTA-XX-XX-DR-A-00244
- Bldg Q - Ground, First Floor Plans CW-RTA-XX-XX-DR-A-00250
- Bldg Q - Second floor and Roof Plans CW-RTA-XX-XX-DR-A-00251
- Bldg Q - North & East Elevations and Sections CW-RTA-XX-XX-DR-A-00252 P11
- Bldg Q - South & West Elevations and Sections CW-RTA-XX-XX-DR-A-00253
- Bldg R - Ground Floor Plan & First Floor Plan CW-RTA-XX-XX-DR-A-00260
- Bldg R - Second Floor & Roof Plan CW-RTA-XX-XX-DR-A-00261
- Bldg R - North & East Elevations and Sections CW-RTA-XX-XX-DR-A-00262 P11
- Bldg R - South & West Elevations and Sections CW-RTA-XX-XX-DR-A-00263
- Bldg S - Plans, CW-RTA-XX-XX-DR-A-00270
- Bldg S - Elevations and Sections CW-RTA-XX-XX-DR-A-00271
- Bungalow Type B6 CW-RTA-XX-XX-DR-A-00280
- Bungalow Type B7 CW-RTA-XX-XX-DR-A-00281
- Bungalow Type B8 CW-RTA-XX-XX-DR-A-00282
- Bungalow Type B9 CW-RTA-XX-XX-DR-A-00283
- House Type HH CW-RTA-XX-XX-DR-A-00285
- Terrace T1 HB,HD CW-RTA-XX-XX-DR-A-00290
- Terrace T2 HB,HA,HD CW-RTA-XX-XX-DR-A-00291 P11
- Terrace T3 HE,HE CW-RTA-XX-XX-DR-A-00292
- Terrace T4 HC1,HC2,HC1 CW-RTA-XX-XX-DR-A-00293 PL10
- Terrace T5 HG,HF CW-RTA-XX-XX-DR-A-00294
- Terrace T6 HG,HG CW-RTA-XX-XX-DR-A-00295
- Terrace T7 B1,B2,B3 CW-RTA-XX-XX-DR-A-00296
- Terrace T7 B1,B2,B3 sections CW-RTA-XX-XX-DR-A-00297
- Terrace T8 B4,B5 CW-RTA-XX-XX-DR-A-00298
- Bins and Substations CW-RTA-XX-XX-DR-A-00299
- Terrace T9 HA,HD CW-RTA-XX-XX-DR-A-00299
- Ancillary Bins and Substations 1 CW-RTA-XX-XX-DR-A-00310
- Ancillary Bins and Substations 2 CW-RTA-XX-XX-DR-A-00311 PL02
- Appearance 1 of 3 CW-RTA-XX-XX-DR-A-00300
- Appearance 2 of 3 CW-RTA-XX-XX-DR-A-00301
- Appearance 3 of 3 CW-RTA-XX-XX-DR-A-00302
- Appearance Details 9-16 CW-RTA-XX-XX-DR-A-00303
- Material Strategy CW-RTA-XX-XX-DR-A-00305
- Landscape Masterplan LOV23738 10I M

- Soft Landscape Proposals LOV23738 11 K-Sheet 1-6 revs S, and Whole Site S
- Hard Landscape Proposals LOV23738 12 G-Sheets 1-6 ACD revs J
- Proposed External Lighting 220113-ZZ-ZZ-DR-E-21001\_S3\_P12
- Overland flow plan 11895\_1104 GTA Civils Rev 5
- Site Levels 11895\_1102 GTA Civils Rev 9
- Drainage strategy 11895\_1101 GTA Civils Rev 10
- Phase 1 Drainage Strategy 11895\_1103\_P5 GTA Civils

4.11 The application is also supported by the following technical work:

- Planning Statement including, Affordable Housing Statement and Heads of Terms Sphere25
- Statement of Community Involvement & Appendices A-K settle 05 Jan 2024
- Design and Access Statement Rev E
- Schedule of Accommodation RT21035 RevY
- SP9 Masterplan
- Character Assessment
- Context Appraisal
- Preliminary Ecological Appraisal 552033Sep22ltFV02\_PEA Greengage
- Great Crested Newts survey 552033ltOct22FV02\_GCN Greengage
- Reptiles Survey 552033ltOct22FV02\_Reptiles Greengage
- Biodiversity Impact Assessment 552033 Greengage May25
- Biodiversity Metric 25.01.24 Greengage
- BS5837 Arboricultural Impact Assessment FV03\_AIA Greengage
- Townscape and Visual Appraisal HCUK V6
- Soft Landscape Specification LOV23738 spec A ACD
- Soft Landscape Management And Maintenance Plan LOV23738 man A ACD
- Flood Risk Assessment 11895\_FRA2\_Hawskley Bungalows, Letchworth GTA Civils
- Phase 1 Desk Study & Phase 2 Site Investigation Report LP3053 Issue 4 LEAP
- Archaeological Desk-Based Assessment 2024.01.29 Campfield Way DBA Finalv4.1
- Written Scheme of Investigation Phase 1
- Heritage Impact Statement & Appendices 2024.01.28
- Transport Assessment 1022.0002TA5 Paul Basham Associates TA9
- Green Travel Plan 1022.0002TP5 Paul Basham Associates
- Noise Assessment P2076-REP02-DJR REV05 SOL acoustics REV 09
- Structural Condition Survey W1987\_R001\_P4
- Daylight Sunlight Report 5259 - Rev 3 T16 REV 5
- Refurbishment Costs Report part 1 & Part 2 10438 H John Rowan and Partners
- External Lighting Report Couch Perry Wilkes P05
- Air Quality Assessment PRO-087125 Hawksley Bungalows AQA Rev4 Stroma 5.4
- Sustainability Statement 220113 Rev P05 Couch Perry Wilkes
- Sustainability Statement Appendix 1 SAP Output worksheet B3 Couch Perry Wilkes
- SAP Output worksheets HA (1)-(3); J1 APPT 01(GF) 02(GF) 03(FF) 04(FF); J2 APPT 01(GF) 02(GF) 03(GF) 04(FF) 05(FF) 06(FF)
- Construction Traffic & Environmental Management Plan Rev C with appendices by Lovell

**Legal basis of determining the Planning application**

- 4.12 Members will be familiar with the standard legal advice that is set out at the end of each planning Control Committee report which advises that legislation requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. This approach was developed within Section 54A of the Town and Country Planning Act 1990 (as amended). It is also re-emphasised within Section 38(6) of the Planning and Compensation Act 2004, which reads as follows:
- 4.13 *'if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise'.*

## **5.0 Key Issues**

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

- a. Policy background and Housing
- b. Masterplanning and Design
- c. Impact of the development on heritage assets including archaeology
- d. Impact of the development on residential amenity
- e. Impact of the local highway network, access and parking
- f. Flood risk and drainage
- g. Ecology considerations
- h. Impact on trees and greenspace considerations
- i. Environmental health considerations
- j. Primary Healthcare
- k. Sustainability assessment
- l. Planning obligations
- m. Planning balance

## **5.2 Policy background and Housing**

- 5.2.1 The North Hertfordshire Local Plan 2011-2031 (NHLP) was adopted by the Council in November 2022.
- 5.2.2 NHLP Policy SP1 on sustainable development in the district is the backbone for considering proposals. It requires the main role of key settlement, such as Hitchin to be the main focus for new development. Proposals should *'deliver an appropriate mix of homes, jobs and facilities that contribute towards the targets and aspirations of this Plan'*, *'provide the necessary infrastructure...'*, *'protect [the] environment'*, and *'secure any necessary mitigation measures that reduce the impact of development...'*
- 5.2.3 Policy SP2 identifies a significant housing need in the district which is for *'at least 13,000 new homes'* over the plan period. Letchworth is planned to accommodate around 2,000 in total between this Strategic Housing Site, other smaller site allocations for housing, sites within the existing urban area and any other 'windfall sites'.
- 5.2.4 As set out in the Council's most recent Housing Land Supply Update (November 2025), the total requirement for housing delivery in the District from 1 April 2025 to 31 March 2030 is 3,629 dwellings. The Council therefore can only demonstrate a five-year land position of 2.6 years against our objectively assessed housing need of 1,120 homes per annum,

annual shortfall and 5% buffer. This figure falls below the five-year figure as required in the NPPF.

- 5.2.5 Paragraph 11 of the NPPF states that: *'Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay'*.
- 5.2.6 Where a five-year supply of deliverable housing sites cannot be demonstrated, para. 11 (d) of the NPPF confirms that where 'the policies which are most important for determining the application are out-of-date' [including the housing land supply]...unless (i) there are protected areas or assets of particular importance (i.e. Green Belt and heritage assets) which provide a strong reason for refusing the development proposed or (ii) 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination', permission should be granted. This process is known as the 'tilted balance'.
- 5.2.7 For the application site, as the development plan is out of date, the proposals should 'be approved without delay'. Officers note the position on the Council's 5-year housing land supply, meaning that the tilted balance is engaged and the remainder of this report will balance up the issues for consideration and conclusion at the end. The need for this housing is evident. The delivery of this site is realistic in the short-term (next 5 years) especially given the full application for the site as a whole.
- 5.2.8 The site density would increase as a result of the proposals from a very low 19 dwellings per hectare, to a more average 34 dwellings per hectare. The site is not allocated through the NHLP but is within the urban area and would be considered as windfall. The NPPF 2024 requires planning decisions to '*support development that make efficient use of land*' (para. 129) taking into account the '*need for different types of housing*', '*local market conditions and viability*', '*capacity of infrastructure*', '*the prevailing character and setting or of promoting regeneration*', and '*importance of securing well designed, attractive and healthy places*'.
- 5.2.9 The proposed development would result in a net gain of 69 dwellings and be 100% affordable due to the applicant and landowner being Settle, a local registered housing provider. The proposal involves the demolition of 81 affordable and 7 market units (total 88 units), and the construction of a total of 157 homes. The 100% affordable housing development would comprise 80 social rented units and 77 intermediate tenure (shared ownership/equity share) units. Of the total, 17 units (11% of the total) will be delivered as M4(3) compliant, and 56% will be either M(4)2 or M(4)2\* compliant, which exceed the requirements of NHLP Policy HS5. It is noted that 56 units have been allocated to existing residents on the site, who will return when the development is complete. There will be 15 units that are bungalows, 44 houses and 98 flats. The mix is comprised of 45no. one bed units; 87no. two bed units; 20no. three bed units; 4 four bed units; and 1no. five bed unit. The housing mix and tenure is supported by the Housing Strategy Team within NHDC, which exceeds requirements of Policy HS2 on Affordable Housing in terms of quantum and tenure requirements.

- 5.2.10 The Local Plan is adopted, and the site is within the urban area of Letchworth. The site will make a positive contribution of an additional 69 units to the delivery of homes in North Hertfordshire for the rest of the Plan period and significant benefits from being 100% affordable housing. The quality of housing provided on site, and the range of housing types will also be significantly improved as a result of the development, where the site is currently dominated by three-bedroom Hawksley bungalows that are beyond their expected lifespan.
- 5.2.11 The proposed redevelopment of the site is therefore in accordance with NHLP Policies SP1, SP2, SP5 and SP9. This matter of housing delivery comprising provision of a total of 157 homes that would be affordable, representing a net increase of 69 homes, weighs very significantly in favour of the proposal in the planning balance.

### 5.3 Masterplanning and Design

- 5.3.1 NHLP Policy SP9 allows for masterplans to be produced for ‘*significant development*’, which ‘*generally comprises residential development of 100 dwellings or more. Exceptionally, developments under 100 dwellings will be considered significant if there are site specific complexities and sensitivities that require a masterplan-led approach*’. Given the overall scale of the development of 157 units, the applicant has been working through pre-application discussions, to produce an acceptable Masterplan in accordance with Policy SP9. The detailed requirements of these policies will be assessed in the following sections of this report. The applicant has therefore worked with the Council to address its requirements as part of pre-application discussion and formal design review, as well as through this application.
- 5.3.2 As this site and the proposed development has been through a Masterplanning exercise with extensive negotiations and improvements over the last few years. The applicant has used pre-application procedures as well as design review, and discussions on the current planning application to refine their masterplan, which the detail of this application is built on. It is officers’ view that the proposals represent a high standard of urban design, in keeping with its location, affordable housing aspirations and sensitive historical context.
- 5.3.3 The application has been assessed under Policy SP9 on masterplanning as follows:
- i. create buildings, spaces and streets which positively reflect and respond to the local landscape, townscape and historic character*  
The masterplan has been designed specifically for this site, in order to respond to the particular historic setting, the site history and adjacent residential development.
  - ii. create integrated, accessible and sustainable transport systems with walking, cycling and public transport designed to be the most attractive forms of transport and effectively linking into the surrounding areas;*  
The site benefits from forming part of the existing urban area and is already connected into well integrated, accessible and sustainable transport systems. The site is just less than 1 mile from Letchworth railway station, or 1km as the crow flies, and 0.8 miles to Morrisons, making the town centre quite achievable by foot and bike. There are also existing bus stops on Icknield Way, which is within 400m of all parts of the application site. The site is also adjacent to the railway line, where there is an existing footbridge connecting the northern and southern halves of Letchworth. The footbridge forms part of

the Letchworth Greenway loop around the town and provides several options for connectivity depending on the destination. The site is well connected to a range of attractive forms of transport.

- iii. *provide a clear structure and hierarchy of pedestrian friendly streets and well-connected footpaths and cycleways integrate with the wider built and natural environment and communities;*

The masterplan sets out a clear hierarchy for how the street is structured with the main road running through the site, 'secondary' streets off the main street, with foot and cycle paths connecting the site to the surrounding areas. This defines a good sense of place and providing legibility through the site.

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

The site is already in a sustainable, walkable and locally accessible to Letchworth town centre, the railway station and schools. The development will not be mixed use, due to its scale, there would be a good housing mix and mix of tenures between social and intermediate tenures 53% to 47% respectively.

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

The site will integrate with the existing community physically with foot and cycle links, as it does at present. The site benefits from existing links onto Icknield Way, Martin Way and the footbridge to Chiltern View. These accesses and links will be retained and enhanced. The Campfield Way vehicular access will be removed, as it is not necessary from a highway perspective for this scale of development, but the entrance will be retained for foot and cycle links.

- vi. *create an accessible multi-functional green infrastructure network that provides:*

- *a key structuring and functional place-making feature supporting healthy lifestyles, sport, play and recreation linking into the wider Green Infrastructure Network; and*
- *a high-quality integrated network to support ecological connectivity, biodiversity net gain, climate adaptation and mitigation linking into the wider Ecological Network*

The proposals deliver biodiversity net gain provision and will provide on-site publicly accessible greenspace, which will improve the existing situation. The proposed public and green spaces on site will deliver high quality public realm and landscaping which will support social interaction for all residents.

- vii. *ensure the effective use of sustainable urban drainage and sustainable water management;*

The site has provided structural green infrastructure through complimentary habitat and by utilising a green corridor for blue infrastructure as well. The drainage system will be multifunctional and provide a setting to the site and accommodate an area for play.

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

The site delivers biodiversity net gain provision and protects an existing valuable source of biodiversity and habitat on site including trees around the perimeter. Other existing landscaping comprises rear garden, highway grass verge and a hedge/tree line to properties that front onto Icknield Way; all of which will be removed as part of the

proposals. It is unfortunate to have to remove the hedge/tree line, although it was a significant restriction to redevelopment and not the best quality landscaping. The proposed public and green spaces on site will deliver high quality and attractive public realm which will support sustainable drainage, good urban design and social interaction for all residents.

*ix. design to last with a clear stewardship, management and maintenance strategy.*

The greenspaces and SUDS on this site will be managed by the freeholder, which is a registered housing provider; Settle. Settle is an established landowner in Letchworth and the wider area who manage other areas of greenspace. The management of greenspaces, and other types of public realm on the site will be robustly secured through the s106 legal agreement.

- 5.3.4 The NPPF paragraph 139 states that ‘significant weight should be given to: a) development which reflects local design policies and government guidance on design...’ As such, it is considered that an effective masterplan can be secured by condition which would comply with Policy SP9. This matter weighs as a benefit significantly in the planning balance.

#### **5.4 Impact of the development on heritage assets including archaeology**

- 5.4.1 Section 66 (1) of The Planning (Listed Building and Conservation Area) Act 1990 (the LBCA Act) stipulates that when 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. Effect upon listed buildings therefore should be given considerable importance and weight. Relevant factors include the extent of assessed harm and the heritage value of the heritage asset in question.
- 5.4.2 Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting and where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 195 of the NPPF confirms that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting their setting) taking account of the available evidence and any necessary expertise.
- 5.4.3 NHLP Policy SP13 confirms that the Council will balance the need for growth with the proper protection and enhancement of the historic environment. 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. Regarding designated heritage assets, NHLP Policy HE1 stipulates that planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they will, amongst other things, lead to less than substantial harm to the significance of the designated heritage asset and this harm will be outweighed by the public benefits of the development, including securing the asset’s optimum viable use.

- 5.4.4 The NPPF requires the description of *'the significance of any heritage assets affected, including any contribution made by their setting'*. LPAs should then *'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) ...'* Para. 212 of the NPPF states 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'*. This approach is reflected in NHLP Policy HE1 on Designated Heritage Assets.
- 5.4.5 The application is supported by a Heritage Impact Statement (dated January 2024 by HCUK) with appendices and was followed by with an addendum when the plans were amended (dated November 2024). This considers the impact of the proposed development on the Conservation Area as the only affected heritage asset.

#### *Significance*

- 5.4.6 The site forms part of the Letchworth Conservation Area, which was designated in 1974, and the site comprises character area 8 in its entirety; an area which was added in 2001 to reflect the areas contribution to the development of Letchworth. The character area comprises entirely of Hawksley bungalows, a form of pre-fabricated homes which were constructed post war as part of a 'temporary housing programme' to provide new homes for families after the second World War. There are anecdotes of residents who have lived in these bungalows since they were built and so the site has played an important social role in Letchworth.
- 5.4.7 The bungalows were installed around 1950-1951 on Campfield Way and Highover Road in a layout reflecting the principles of the garden city, which can be seen in the areas of greenspace across the site, the undulating building line, the diagonal positioning of buildings around corners, and spacing of buildings. The buildings as a group have value and comprise an entire character area if the conservation Area.
- 5.4.8 The original Campfield Way and Highover Road development was constructed between the existing buildings at 49-75 Icknield Way (which are included in the application site) and the railway line. The heritage statement submitted with the application notes the difference of this site compared to other areas of Letchworth Garden City that the properties on this site were not provided with defined private front garden areas. The applicant also notes that the by the time this site was constructed it was good and common planning practice to build new homes with similar garden city principles, such as development that can be seen around Mullway. Hallmead, Monksland and Bursland, all roads which are not included in the Conservation Area and built before Campfield Way and Highover Road. The applicant argues that the significance of this character area of the Conservation Area does not adhere to the same early garden city principles that apply to the rest of the Conservation Area.
- 5.4.9 The historic fabric of the buildings was intended to be temporary and have now been in place for 75 years. The condition of many of the units has deteriorated because the type of construction. The buildings external materials (external cladding, roof, overall form and volume), as well as their planform and internal doors to some extent, remain as per the

original buildings. There have been many alterations across the site to external windows and doors, the sheds, kitchen, fireplaces, heating systems and internal décor. The buildings themselves are not designated and would not comply with the criteria for listing or as a non-designated heritage asset on an individual basis.

5.4.10 The Council sought heritage and conservation advice from Place Services on this application. Place Services summarises the significance as follows:

*'The significance, character and appearance of Letchworth Garden City Conservation Area is varied, due to the sheer size of the Conservation Area which encompasses multiple, distinct, areas of planned housing estates, the town's commercial centre, the train station, schools and industrial areas. This variety and scale of the Conservation Area is highlighted by the fact that the Conservation Area is split into eight character areas, some of which fall into distinct phases such as the Campfield Way development, whilst others span the breadth of the town's history...*

*The significance of the Conservation Area as a whole is in how the application of Howard's philosophies have shaped the town's development from the early twentieth century to the present, including the masterplan designed by Parker and Unwin and its application in later phases of building. The Campfield Way Character Area contributes to this significance as one of these later phases that follows a block plan and layout comparable to sections of the original masterplan but incorporating a unique building type of the period. The Campfield Way Character Area also contributes to the Conservation Area due to its historic interest as a post-war phase of development, and architecturally as an example of the innovation of the period.'*

#### *Setting of the Conservation Area*

5.4.11 The Heritage Statement identifies that the setting of the Letchworth Conservation Area is large, due to the scale of the conservation area itself; and that *'all conservation areas a difficult to 'experience' in totality'*, which may be especially true of Letchworth Conservation Area due to its scale and variety of character areas.

5.4.12 The applicant notes that the routes into the town and designated Conservation Area add to its setting. The application site sits to the south of Icknield Way, which is one main and historic route into the town, which is spacious and characterised by residential development and architecture, including areas of post war development representing the later expansion of Letchworth compared to the town centre.

5.4.13 As identified, part of the application site is beyond the Conservation Area, relating to a row of maisonettes along Icknield Way (no.s 47-75), between the entrances to Campfield Way and Highover Way and noting that 77 Icknield Way is excluded from the application site. The proposals directly affect the setting of the Conservation Area. As the application site will be a comprehensive redevelopment, the two types of development will be incorporated as one block of development and read as one site, although the conservation area boundary will no longer correspond to what is on the ground.

### *Harm to the Significance and Setting of the Conservation Area*

- 5.4.14 Harm will arise to the significance of Letchworth Conservation Area and its setting, by virtue of the demolition of all buildings within Character Area 8 of the Conservation Area and comprehensive redevelopment of the character area and 47-75 Icknield Way outside the Conservation Area. There is harm to the loss of this group of buildings as a temporary solution to the post war housing crisis.
- 5.4.15 However, the applicant has demonstrated that the existing buildings are no longer fit for purpose, due to the temporary nature of the existing housing, and the existing lack of variety in the housing mix.. Many of the existing buildings are in a poor state of repair, they are difficult to refurbish due to the materials used and eventually all will fail to be habitable, as some are at present. The applicant has demonstrated that the buildings are too expensive to refurbish. The site is currently about 50% occupied and the rest have been vacant for varying amounts of time; this has left the site looking neglected where properties are boarded up and residents have experienced antisocial behaviour and burglaries. It is clear that the site cannot stay as it is as present, and officers consider that the bungalows do need to be replaced.
- 5.4.16 Place Services and HCC Archaeology have recommended a condition, should the application be approved, for a historic building record to be made, and a scheme for interpretation boards to be included in the new development. Both conditions mitigate the loss of the existing buildings both individually and as a group, which is proportionate to the harm caused to significance. It is also recommended that permitted development rights are restricted for Classes A and C to ensure a considered approach to householder development on the site in the future. Class B is already not permitted for properties in Conservation Areas, and the proposed new buildings on this site that are not in the Conservation Area will be flats, which do not benefit from permitted development rights.

### *Conclusions*

- 5.4.17 Overall, it is considered that the harm to the significance and setting of the Conservation Area would equate to be 'less than substantial' at the high end of the spectrum, which takes into account the applicants' statements, the review by Place Services on behalf of the Council, and Officer assessment. This view addresses the previous reason for refusal, where it was previously considered that it was not demonstrated that the bungalows were in poor condition. The balance with public benefits in accordance with the NPPF para. 202 will be considered in the planning balance section of the report.

### *Archaeology*

- 5.4.18 The application site is not located within an Area of Archaeological Significance (AAS). Wilbury Hills to the east is an AAS approximately 100m to the north which contains a Schedule Ancient Monument: Two bowl barrows located 330m from the site boundary to the north-east.

- 5.4.19 NHLP Policy HE4 on Archaeology states that permission for development proposals affecting heritage assets with archaeological interest will be granted provided that: a. developers submit an appropriate desk-based assessment and, where justified, an archaeological field evaluation. Policy HE4 also states that *'Areas of as yet, unknown archaeology may be identified during research, or through the planning or plan making process. These sites or areas should be treated in the same way as archaeology areas and areas of archaeological significance'*. The NPPF para.212 sets out the same approach to sites of archaeological significance as other heritage assets, in that *'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)'*. Para. 216 also requires *'in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
- 5.4.20 The site has been the subject of a desk-based assessment and pre-determination trial trenching investigations. This work identified archaeological features in several parts of the proposed development areas: A Late Iron Age/Romano-British farmstead was revealed in the southwestern part of the site, with finds including pottery, brick/tile, glass and animal bone. A trackway was also seen of a similar date as well as a series of sinuous ditches, indicating past land division and considered to constitute substantial archaeological features, which are of regional and local significance.
- 5.4.21 HCC Historic Environment have confirmed that they do not object to the proposals as the findings are unlikely to be so significant so as to warrant 'scheduling' and would not restrict the proposed development. However, further investigations would be required to analyse the findings and provide a report and publication of the results. Subsequently the applicant has been liaising with the County Archaeologist to agree the final Written Scheme of Investigation to commence that work should outline planning permission be granted. Nevertheless, the full condition is recommended and set out below, to ensure the WSI is fully agreed.
- 5.4.22 Overall, whilst there are significant finds on the site, as an undesignated heritage asset the action to investigate further and record the findings in a publication are proportionate and a balanced response to the scale of the harm and significance of the findings. The proposals are therefore in accordance with NPPF paragraph 199 and 203 and NHLP Policy HE4. This matter weighs as neutral in the planning balance.

## **5.5 Impact of the development on residential amenity**

- 5.5.1 The impact of the proposals on existing residents has been considered, also in light of comments received throughout the consultation periods on the application.
- 5.5.2 NHLP Policy SP9 on Design and Sustainability requires the adoption of the national *'technical standards for the size of new homes...and, in specified circumstances, accessibility'*. The technical Housing Standards – Nationally Described Space Standard provides a set of internal space standards to be applied to all new dwellings and for all tenures. All proposed dwellings on the site comply with the space standards as a minimum, including storage areas, bedrooms, floor to ceiling heights of 2.3m and overall Gross Internal Floor Areas.

- 5.5.3 The Design SPD requires '*adequate provide space to meet the needs of occupants...the council encourages a mix of garden sizes*' and should have enough space for '*outdoor living requirements such as children's play, lawn/shrub area for leisure and recreation, recycling bins and storage facilities*'. Private amenity space is also provided for all dwellings including flats. Each garden for houses would be a minimum of 7m deep and the width depending on the width of the house, which for many of the bungalows is generous. The smallest garden for a house would be 63 sq.m for a two-bedroom house which exceed the requirements for garden space in the current Design SPD, and also in the emerging Design Code. Some gardens are larger or smaller according to the layout of the site and overall, a generous amount of garden space has been incorporated into the plans; all useable, regular shapes, and set to an appropriate size for each house.
- 5.5.4 For the flats within the site, balconies had been incorporated to provide some private amenity space for residents; this change was reflected on amended plans received during the course of the application. There was discussion during Design South East's Chairs' Review that the design of the balconies was not appropriate, and the Conservation Officer noted that balconies are not a feature of Letchworth. The applicant has since sought to review the purpose of the balconies as well as the function, orientation and design. In terms of amenity, the proposed balconies, justified on heritage and design grounds above, are intended to provide residents of flats with an element of private amenity space, which has been designed with some screening. The applicant has confirmed that the balconies are not intended to be used for storage, as an extension to the flat, or for hanging out washing, which can distract from the character and appearance of the place. The applicant, Settle, a registered housing provider and well established in Letchworth has confirmed in writing that they use 'neighbourly pacts' to ensure balconies are used for their intended purpose (this matter could be controlled within a S106 legal agreement). The balconies all measure 3sq.m and there would be useable communal green amenity space provided around the flats. The amount of balcony space proposed to be provided does not meet the standard in the emerging Design Code, although these plans were submitted well before the Design Code was published, but it should be noted that the communal amenity space around all the flats proposed on site would exceed the standard set out in the Design Code. This green space will be open and include some washing lines for residents to have outdoor space for that purpose.
- 5.5.5 In terms of overlooking and privacy of future residents, back-to-back distances of around 20m are achieved in the proposed layout between properties where that is the case. Back to side distances are shorter, which is acceptable as the potential for overlooking is significantly reduced. The distance is 12m between plots 21-31 and a common relationship for houses, and 16m between block R and block F which is acceptable. As such there is a recommendation to restrict permitted development rights to prevent encroachment from extensions and alterations (Class A and C) without proper assessment of residential amenity.
- 5.5.6 Overall, between compliance with space standards, sufficient private amenity space to both flats and houses through private gardens, communal gardens and private terraces and balconies, good back-to-back and back to side distances, Officers raise no objection to the proposed development on the basis of the impact on amenity for future residents, in accordance with NHLP Policy SP9, the Design SPD and the Technical Space Standards.

- 5.5.7 In terms of overlooking and privacy for neighbouring residents, the closest existing residential property is 77 Icknield Way, which is a detached house and would be an isolated plot on one corner retained within the block what will comprise the development site. New development in the form of a block of four flats (Block S) will be located side by side to no.77 and essentially replaces an existing building in a similar location, with an existing and proposed gap of about 8m. A new access road, parking and two substations are proposed directly behind no.77 and a new block of four flats (Block H) to the south. There is currently a 25m gap to the single storey bungalows no. 21 and 23, whereas the new Block H will be two storeys but 36m away. Whilst the view of no.77 will change, privacy will be respected without increased harm from overlooking from the proposed layout, distance and height of buildings.
- 5.5.8 There will be a direct relationship from the proposed development to residential properties located along Martin Way, which reflects the current pattern of built form. The gardens here back onto the application site and plots no. 98-108. No.2 Martin Way would be side on to the back of plot 99 with 14m, which is acceptable. Other back-to-back distances along this boundary will be between 19-30m, from 1.5 storeys on the application site to two storeys on Martin Way. It is acknowledged that this is a reduction of the existing situation where the back-to-back distances are about 36-45m. There is an existing substantial tree line along the boundary of the site which is to be retained and assists with landscaping and retaining privacy for all residents.
- 5.5.9 The northern boundary of the site is also opposite residential properties along Icknield Way (no.24-54). Both sides of the road benefits of generous front gardens about 10m deep. The proposals will result in a reduction of that but nevertheless, including the road there will be about 33m between the front elevation on Block R of the application site and residential properties on the north side of Icknield Way.
- 5.5.10 The construction phase is of concern to local residents in terms of construction traffic, noise and air pollution. Due to its scale the development will be completed in two phases, and whilst construction can be obtrusive to existing residents it is a temporary phase in the life of the development. The environmental impacts have been considered by the EHO and examined later in this report. On construction traffic, a draft Construction Traffic Management Plan is agreed with the Highway Authority and will be secured by condition should the application be approved planning permission, to manage that phase and limit the impact on the highway network and existing residents.
- 5.5.11 On that basis the proposals are considered to be in accordance with the NHLP Policies SP9 and the Design SPD. This matter weighs as neutral in the planning balance.

## **5.6 Impact on the local highway network, access and parking**

### *Impact on local highway network*

- 5.6.1 NHLP Policy SP6 on Sustainable Transport requires, amongst other matters considered later in this report, to 'seek the earliest reasonable opportunity to implement sustainable travel infrastructure on Strategic housing Sites and other development sites in order to influence the behaviour of occupiers or users...'

- 5.6.2 Paragraph 110 of the NPPF states that *'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'* The NPPF also sets a high bar in terms of grounds to refuse an application on highway matters: Para 111 states 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 would be severe'*.
- 5.6.3 NHLP Policy T1 on Assessment of Transport Matters states that *'Planning permissions will be granted provided that a) development would not lead to highway safety problems or cause unacceptable impacts upon the highway network'*.
- 5.6.4 This planning application has been submitted with a Transport Assessment (TA) which was updated in May 2025 and prepared by Paul Balsham Associates Ltd.
- 5.6.5 The proposed site would replace two vehicular access points (at Campfield Way an Highover Road leading onto Icknield Way) with one access onto Icknield Way, where Highover Road is currently located. There would be access into the site, using road surfacing and widths to manage movement and connectivity. Access will be maintained to Martin Way. The Campfield Way access will be retained as an active travel access only. Access to the footbridge will also be retained in the long term, although there will be limited access during construction.
- 5.6.6 In terms of impact on highway capacity, the vehicular trip rates were sourced from the industry standard TRICS database. The associated peak hour trip rates are indicated in the Transport Assessment (TA). This anticipates that the site would generate a total number of trips (arrivals and departures) in the AM peak travelling period (08:00-09:00) to be 49 and would generate approximately 75 trips during the PM peak travelling period (17:00-18:00), which compared to 28 trips in the AM and 42 trips in the PM peaks, and so the net increase would be 21 and 33 trips respectively.
- 5.6.7 HCC Highway Officers conclude on trip generation and highway impact: *'HCC has crosschecked the trip analysis by using the TRICS with similar site and concludes that the above projected non-car trips are satisfactory and will be acceptable. In view of the estimated trip assessments and junction capacity appraisals, the Highway Authority is satisfied that that the development will not result in a detrimental impact to the operational capacity of the local road network in all scenarios'*. Therefore, the impact of the proposals would be acceptable and in accordance with the requirements of the NPPF and NHLP Policy T1.
- 5.6.8 Highway Officers note that full details of the accesses will be required by way of S278 and S38, Stopping up and Traffic Regulation Orders (S247). There are different legal ways to secure this and will be subject to detailed discussions during the drafting of the S106.
- 5.6.9 It should also be noted that an updated Travel Plan will be needed to be submitted for approval taking into account the comments in the Highover Officers comments, and a travel plan monitoring fee should be paid to cover the first 5 years of the development, to be secured by S106.

5.6.10 The Highway Officer has also reviewed the waste collection and storage arrangements for the site in the absence of comments from NHC Waste Department, commenting that the proposal appear to comply with the requirements of Manual for Streets and *'internal roads can accommodate manoeuvring space for waste collection vehicles, and the proposed residential units meet the requirements for waste storage...'*

#### *Parking provision*

5.6.11 The NHDC Vehicle Parking at New Developments Supplementary Planning Document ('Parking SPD') sets out the minimum parking requirements for this proposal. This outlines that x1 space is required per 1 bedroom dwelling and that x2 spaces are required for any dwellings of 2 bedrooms or more. In addition, between 0.25 and 0.75 visitors parking spaces are required per dwelling, with *'the higher standard applied where every dwelling in the scheme is to be provided with a garage'*.

5.6.12 On the basis of the proposed housing mix, the proposal includes 243 parking spaces of which 74 would have EV charging facilities, plus 27 for visitors, which is below standard, but the Highway Officer does not consider this to be unreasonable and notes the inclusion of a car club parking bay, and so a condition is recommended to review that detail

5.6.13 In terms of cycle parking and storage, the Parking SPD requires *'1 secure covered space per dwelling. None if garage or secure area provided within curtilage of dwelling'*. It is noted that 259 cycle parking spaces are proposed on site but no details of cycle parking and storage which can be secured by condition should planning permission be granted.

5.6.14 In light of the above observations, it is considered that the proposal would include sufficient parking provision, which is in accordance with the requirements of the Parking SPD.

#### *Construction and phasing*

5.6.15 Regarding construction of the site, it is anticipated that the site would be developed in two phases, taking access from Icknield Way via Highover Road. Phase 1 would be the eastern half around Highover Road, and the second half would be the western half including buildings fronting Icknield Way.

5.6.16 Construction can be a disruptive part of new development and has been raised in representations. The highway authority suggest that this can be effectively managed through a finalised Construction Traffic Management Plan (CTMP) secured by condition should the application be approved. This deals with site set up including parking arrangements, how the site will be accessed, construction routes, delivery arrangements and wheel washing. Given the existing urban location of the site, and close proximity to existing residents it has been helpful to understand how the site will be developed in more detail. A revised CTMP is still recommended to ensure it is robust before commencement of development.

5.6.17 A particular dynamic of the site relates to the use of the footbridge leading into Highover Road. The draft CTMP submitted with the application already shows that access to the Letchworth Greenway needs to be diverted during construction. Further detail was requested and given regarding the existing use of the Greenway and objection from Fearnhill and Highfield School, who shares Sixth Form education facilities. A key

consideration for the CTMP was how students will be able to walk or cycle between school sites in an efficient way and timetabling in how lessons can be scheduled taking into account the travel time. During phase 1 the Greenway would be diverted via the tunnel joining Spring Road for the general public, except for students who will have access to a path from the footbridge around the eastern perimeter of the site. The gate at either end would have a fob access and hoarding. Only sixth form students will have access, and each student will be given a specific fob to help manage safety. During phase 2 the road will re-open for students and the general public, although the Greenway will run in this phase from the footbridge down Highover Road to Icknield Way, rather than dog legging round Campfield Way as at present. Once construction is complete and all new roads are open the Greenway will continue in a similar route as existing.

5.6.18 Officers feel that this is a proportionate response to the problem of closing the footbridge. It's a temporary phase which has been dealt with appropriately through the CTMP.

#### *Mitigation measures*

5.6.19 Paragraph 110 of the NPPF states that: *'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance...and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

5.6.20 NHLP Policy T1 also states that *'Planning permission will be granted provided that:...b) mechanisms to secure any necessary sustainable transport measures and / or improvements to the existing highway network are secured in accordance with Policy SP7; and d) for major developments, applicants demonstrate (as far as is practicable) how: i. the proposed scheme would be served by public transport...'*

5.6.21 Highway mitigation is secured in two strands: the first through works associated with the immediate impact of the development; and the second through financial contributions towards cumulative impacts of all development on non-car networks. The site is well served already by existing passenger transport.

5.6.22 The following **Strand 1** works are to be secured by S278 agreement and undertaken by the applicant in developing the site:

- Provision of widening of the existing footway (up to 3m max) along the full frontage of the site onto Campfield Way and up to Fearnhill school
- Provision of bus shelter to existing flagpole bus stop onto Icknield Way and
- Provision of RTIB (Real Time Information Board) for both bus stops onto Icknield Way
- Provide several dropped kerbs along Icknield Way (towards town centre) with provision of tactile (list of location/junctions) at:
  - a) At two existing access points of Fearnhill School off Icknield Way
  - b) At the proposed main site access point onto Highover Road off Icknield Way
  - c) At the junction between Highover Road and Martin Way
  - d) At the two junctions between Lindsell Avenue and Icknield Way

- e) At the junction between Rosemount and Icknield Way
- f) At the junction between Spring Roads and Icknield Way

5.6.23 The '**Strand 2**' relate to financial contributions of £582,000 (index linked to March 2024) towards projects identified for the vicinity of the site, in this case that could include:

- North Herts LCWIP-Schemes: NH35 – Highfield including school access; NH40 – Icknield way and Greenlane; NH58 – Pixmore Ave; NH56 – Other LGC Improvements
- HCC's North Central Growth and Transport Plans s Schemes: Schemes will be included from Packages 11(Scheme ID -SM63)
- Improvement of Railway Footbridge: Potential replacement of the foot bridge; or Improvement to access, painting, and lighting.

5.6.24 The highway authority have exercised some flexibility on collecting the strand 2 contribution taking into account the 100% affordable housing provided on site and the net increase of units rather than the gross increase, which is considered reasonable given that although not all unit are occupied they once were and have the potential to be, which would all be able to use current transport infrastructure. Highway officers have also agreed to reduce the strand 2 contributions taking the cost of some strand 1 works off the total. This leaves the agreed £582,000 to be paid by the developer. The highway authority recognises the need for the district council to make the decision on whether this is acceptable. This will be assessed later in the report.

5.6.25 To conclude on highway matters, the Highway Authority have not raised any technical objections to the proposals, which will result in a more intense residential use of the site compared to the existing. It is recognised that the construction phase will be disruptive and expect that the suitable phasing and on-site management will assist in students accessing two secondary schools on either side of the railway line. A range of conditions, mitigation measures and planning obligations is recommended to address any impact arising. Several conditions recommended by the Highways Authority are not included as the matters they address are covered by the Highways Act. Overall, this matter is considered to weigh as neutral in the planning balance.

## 5.7 Flooding Risk and Drainage

5.7.1 NHLP Policy NE7 on Reducing Flood Risk sets out that a FRA is prepared to support applications for planning permission in accordance with national guidelines, and that development takes account of reducing flood risk, does not increase flood risk elsewhere, minimise residual flood risk, sensitively designed flood prevention and mitigation where applicable, and protection of overland flow routes and functional floodplain.

5.7.2 The application is accompanied by a Flood Risk Assessment (FRA) (prepared by gta Civils and Transport) together with Proposed Drainage Strategy Plans. The site is entirely within EA Flood Zone 1, meaning there is a low probability away from any fluvial flood risk, with '*localised pockets of surface water flood risk*'.

5.7.3 Having assessed the submitted reports and information, the Lead Local Flood Authority (LLFA) now raises no objection, with concern previously based on technical issues around permeable surfacing calculations and clarification on detail on the drainage strategy plans. Once this work was undertaken the LLFA no longer raised objection and provided a list of conditions should the application be approved.

- 5.7.4 The FRA states that ‘in-situ soakaway tests’ undertaken on site showed insufficient soil permeability, but that permeable surfacing with direct infiltration is viable. Block paving has been incorporated across the site other than main highway. For impermeable surfaces, water will be attenuated into public surface water sewers utilising existing connections, as much of the site does at present, representing a *‘significant betterment compared with the existing brownfield conditions and help to reduce flood risk downstream including “Hotpot 11” in the centre of Letchworth’*.
- 5.7.5 SuDS features including an open pond, bioretention rain gardens and cellular tanks are included within the proposals and runoff water will be treated more effectively on site compared to the existing which *‘will provide sufficient protection for groundwater source protection zone beneath the site’*. The applicant confirms that foul water will continue to be directed to the existing sewer network.
- 5.7.6 The LLFA does not confirm these improvements of the proposals compared to the existing situation, although the technical work undertaken by the applicant’s consultants has not been disputed. As there is no objection from the LLFA conditions are recommended requiring that the development is undertaken in accordance with the flood risk assessment and drainage strategy. The LLFA have also requested a detailed construction phase surface water management plan, as well as a method statement for temporary drainage. A maintenance and management plan for the sustainable drainage system will be required as well as a verification report once complete.
- 5.7.7 In addition, Anglian Water have also confirmed that they raise no objections with regard to wastewater, surface water drainage and foul water sewerage infrastructure capacity. No conditions are required but text will be added as an informative should the application be approved.
- 5.7.8 The proposals are therefore in accordance with the NPPF 2023 and the NHLP Policy NE7. As the applicant has identified some improvements to the drainage, rather than just minimising residual flood risk, this is considered to be a benefit in the planning balance with moderate weight.

## **5.8 Ecological considerations**

- 5.8.1 The biodiversity impacts arising from the development of the site have also been considered. 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. This application was submitted after the Biodiversity Net Gain (BNG) requirements came into effect in February 2024.
- 5.8.2 The application is supported by a Preliminary Ecological Appraisal prepared by Greengage. In summary the site contains low value for foraging for bats and for Great Crested Newts, low to moderate potential for reptiles in overgrown gardens, high potential for nesting birds, presence of Schedule 9 Japanese Knotweed, and moderate potential for hedgehog on site.

- 5.8.3 The North Herts Ecologist has reviewed the proposals and concluded there would be no ecological objection to the proposals, noting that the development can deliver 10% BNG through mainly on-site habitat creation as well as 0.55 units off site. This could be done either by using Settle owned sites in the local area, or by the applicant buying units. This will be secured through a condition for a Habitat Management and Maintenance Plan, and a legal agreement will set out the cost of BNG monitoring.
- 5.8.4 In addition, various conditions are recommended including an Ecological Enhancements Plan to identify non-landscaping related improvements, a condition for further lighting detail, a Habitat Management and Maintenance Plan (HMMP) and the required BNG plan. The applicant's ecologist also suggests, and officers agree, that a Construction Environment Management Plan is also required by condition.
- 5.8.5 It is considered that as the whole the overall impact of this proposal in the long term is a benefit to ecology in accordance with NHLP Policies SP17 and NE4, which will have moderate weight in the planning balance.

## **5.9 Impact on trees and greenspace considerations**

### *Trees and landscaping*

- 5.9.1 Chapter 15 of the NPPF confirms that proposals should protect and enhance the natural environment. NHLP Policy SP1 seeks to protect key elements of North Hertfordshire's environment. Policy NE2 seeks to ensure the health and future retention of important landscape features and their long-term management and maintenance.
- 5.9.2 The application is supported by an Arboricultural Impact Assessment prepared by Greengage and last updated in December 2024. There are a total of 124 trees and 31 tree groups within the site. The assessment identifies one Category A group (ref G111) along the eastern perimeter is to be retained
- 5.9.3 Category B groups G2, G3, G5, G35, G38, G71, G72, G90 and G103; and trees T7, T20, T73, T91, T122, T137, T149 and T151 are to be retained, some with pruning. Category B tree T42 Ash in the south is proposed to be removed. There are some proposed root protections area constraints to Category B tree T122 (next to new block R2) and Category C tree T27. There will be a significant number of trees and groups to be removed as part of the proposals, although these primarily relate to street trees.
- 5.9.4 There are many existing street trees throughout the site, which are fruit trees that are considered to be reaching the end of their life as some trees are in poor condition. All of the street fruit trees are to be removed. There are also some mature trees and greenery around the perimeter of the site, and between the boundary with Campfield Way and Icknield Way properties. Mature trees in good conditions will be retained and protected during construction works, in particular the trees to the perimeter. The greenery between Campfield Way and Icknield Way is to be removed to enable to complete and comprehensive redevelopment.

## Greenspaces

- 5.9.5 Chapter 8 of the NPPF confirms that development proposals should aim to achieve healthy, inclusive and safe places which: *'enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling'* (para.96).
- 5.9.6 NHLP Policy NE1 encourages the protection, enhancement and creation of new strategic green infrastructure network, with appropriate long-term maintenance and management; and requires suitable mitigation to address adverse impacts on the strategic green infrastructure network.
- 5.9.7 NHLP Policy NE6 ensures that development proposals *'make provision for new and/or improved open space which:*
- *Meets the needs of arising from the development having regard to the Council's open space standards and other relevant guidance;*
  - *Contributes towards improving the provision, quality and accessibility of open space; and*
  - *Incorporate any necessary open space buffer(s) for landscape, visual, ecological or air quality reasons...'*
- 5.9.8 The policy also covers requirements for long term management and maintenance arrangements; consideration to phasing; and requirements for financial contributions which meet an identified need.
- 5.9.9 The existing site has considerable areas of grass verge along Campfield Way and Highover Road as well as generous back gardens to each home, including the maisonettes on Icknield Way. The proposed redevelopment rethinks the whole structure of the site in order to deliver the increased number of units. As well as providing a denser form of development, each house will have its own private amenity space, and the flats will have balconies and communal open space. There will also be more publicly accessible green spaces. On this site this will comprise green corridors with active travel corridors which comes to about 3,400 sq.m on site; as well as a central open space which will perform an ecological and drainage function at about 1,400 sq.m of green space.
- 5.9.10 The FiT standard would normally require 5.35ha of open space per 1,000 population, which equates to 2.02ha on this site. This should be made up of 1.21ha of opens space (parks and gardens, amenity greenspace, natural and semi natural open space); 0.6ha for outdoor sports (pitches and courts, greens, tracks and trails); and 0.2ha for play space (equipped and informal). Whilst the sites open space isn't divided up quite in this way there would overall be an over provision of open space between the central area and greenspaces around active travel routes. The site also sits in the context of Letchworth, with good access to the Greenway and other parks including Wilbury Recreation Ground which is about 300m away. It is recommended that play equipment equivalent to a LEAP is provided within the central area of open space and to be secured by condition.

5.9.11 To conclude, the proposals would result in reorganising the greenspace together with landscaping and tree planting. Condition for both an Arboricultural Method Statement and a Tree Protection Plan to be submitted, as well as detailed soft and hard landscaping plans, details of play equipment, and a scheme for the management and maintenance of open space. The proposals are therefore considered to be in accordance with the NPPF and NHLP Policy NE2. This matter weighs as neutral in the planning balance.

## **5.10 Environmental Health considerations**

### *Land contamination*

5.10.1 The application is supported by a phase 1 and phase 2 land contamination assessment. In the intrusive investigation activities to date, no significant human health risk has been on site, although access to various part of the site was restricted. A condition is recommended to secure further intrusive investigations to provide a full picture of contamination on site.

### *Air Quality*

5.10.2 NPPF para. 105 states that *'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health'*. NPPF para. 186 (under section 'Ground conditions and pollution') states that *'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement'*.

5.10.3 The application has been submitted together with an Air Quality Assessment (AQA). The Council's approach and guidance to matters on air quality is outlined in the 'North Herts Air Quality Planning Guidance (October 2018)' document. The Council's Environmental Health Officer advises that in accordance with NHDC guidance, there is no objection subject to conditions. The assessment considers the development to represent a 'medium' scale development in terms of the measures that will be required to mitigate any adverse impact on local air quality.

5.10.4 For the operational phase the AQA concludes that if the mitigation measures as set out in table 16 in the report are undertaken then this will minimise the particulate/dust impacts. The Environmental Health Officer concurs with this and, therefore, recommends that a condition, should the application be approved, securing these measures during construction.

5.10.5 For the operational phase the report concludes that the proposed development represents a low priority consideration for air quality. The Environmental Health Officer is satisfied with this and suggests that electric vehicle charging points are secured by a condition and installed as per the Council's air quality supplementary guidance.

## *Noise and Vibration*

- 5.10.6 The application is accompanied by a noise assessment by Sol Acoustics Ltd (January 2024). Having assessed the submitted information, the Council's Environmental Health Officer has not raised any objections and has advised that the main sources of noise, namely the railway line, have been correctly and adequately assessed using appropriate standards and guidance. Proposed measures for noise mitigation including enhanced glazing and ventilation are considered appropriate and secure by condition.
- 5.10.7 With regard to noise during the construction phases, it has been advised that a condition is required to secure noise limits identified in the noise assessment.
- 5.10.8 It is also noted that a response from Network Rail on the application does not raise objection in principle to the development but raises concerns regarding the proximity of the proposals to the railway line in relation to noise to residential properties. The Environmental Health officer has been alerted to this particular matter and has addressed it in their comments. Otherwise, Network Rail recommend a series of informatives should the application be approved.

## **5.11 Primary Healthcare**

- 5.11.1 NHLP Policy SP7 sets out that development proposals will be required to make provision for infrastructure that is necessary in order to accommodate additional demands resulting from the development. It is further noted that developers may be required to provide, finance and/or contribute toward provision including on- and/or off-site. The Developer Contributions SPD 2023 establishes the requirement for primary healthcare contributions and that these should be based on a formulaic approach related to floorspace. The Infrastructure Delivery Plan (2016, updated in Jan 2018) shows that two out of four practices in Letchworth had no spare capacity (Birchwood and Nevells Road), however the NHS website now shows that only Sollershott East is not accepting new patients, whereas the other three are. The IDP is rather out of date now, but at that time there was showing to overall be no capacity across the four surgeries.
- 5.11.2 In the NHS ICBs initial response to the application, it was identified that a contribution would be needed, based on the net increase in units and increased population for additional floorspace. Based on the required floorspace and a set price for extended properties for primary healthcare a contribution was suggested for extension of one of the GP surgeries in Letchworth would be appropriate, although no project is specially identified. The applicant has challenged the principle of paying the contribution based on the lack of justification for it, however Officers have re-consulted with NHS and await their response.
- 5.11.3 Officers consider that it is likely a financial contribution could likely be justified given the lack of capacity on the town. This is a windfall site, which was not accounted for in the increase of new homes and population as part of the Local Plan. The primary care facilities in Letchworth did not have sufficient capacity to accommodate the additional population arising from the proposed development and there are now still capacity issues for the town, and so there would be a direct impact on local healthcare services. Officer's view is that this requires mitigation but recommends that this matter is delegated to the

Development and Conservation Manager to determine an appropriate contribution once further comments are received from the NHS ICB. The applicant has agreed to this approach, which would be neutral in the planning balance.

## 5.12 Sustainability Assessment

5.12.1 Sustainability measures of the development are set out a variety of supporting documents, and these are summarised in a Sustainability Statement prepared by Couch Perry Wilkes. A summary of the sustainability targets under each of the themes set out in the SPD is set out below:

- **Theme 1: Optimising Passive Design & Fabric Performance** – An exemplar approach is being proposed based on fabric first design principles. The passive design elements have been developed to exceed the minimum fabric efficiency criteria under the Building Regulations.
- **Theme 2: Achieving low-carbon energy** – Heating and hot water systems shall be provided to deliver Low or Zero Carbon (LZC) technology is utilised providing renewable contributions at the development. These comprise –
  - Apartment Blocks: Electric Panel Heaters and Air Source Heat Pump Cylinder.
  - Houses & Bungalows: Individual heat pumps feeding HW cylinder and heating emitters in dwellings.
  - The government's Future Homes Standards is due to come into force late 2026. Depending on the construction time of the development, additional measures such as solar PV, are likely to be mandatory for all new homes.
- **Theme 3: Minimising carbon footprint - Whole Life Cycle Assessment (all residential development) and Circular Economy Principles (Major residential developments)** – The developer commits to using renewable and recyclable materials with locally sourced materials specified where possible. Reducing on-site waste through a waste management strategy is proposed (both construction and operational phases).
- **Theme 4: Healthy placemaking - Green & Blue Infrastructure, NHS Health into Place Principles for Residential Development Bronze+ and Urban Greening Factor (UGF) for Major Residential Scheme** – Section 7.8 of the submitted report summarises these elements. This is already dealt with in section 5.9 on trees and greenspaces of this report, which states that subject to conditions the proposals address the need for open space.
- **Theme 5: Promoting biodiversity - Ecological Surveys & Assessment Silver - Arboriculture Assessment (where trees are impacted by proposal)** – Section 7.8 of the submitted report summarises these elements. This is already dealt with in section 5.8 on ecology of this report, which states that 10% BNG can be met subject to conditions to enhance the ecological credential for the site.

- **Theme 6: Sustainable travel – Transport statements, assessments and travel plans** – Section 7.9 of the submitted report summarises these elements. This is already dealt with in section 5.6 on local highway network, access and parking of this report and meets bronze.
- **Theme 7: Conserving water** – The intention is that the internal water use is reduced to a maximum of 105 litres per head per day (bronze+). This will be achieved using the following -
  - Water efficient taps.
  - Water efficient cisterns.
  - Low output showers.
  - Flow restrictors to manage water pressures to achieve optimum levels.
  - Water meters to all premises with guidance on water consumption and savings.
- **Theme 8: Incorporating sustainable drainage** – Section 7.4 of the submitted report summarises these elements. The site accommodated Suitable drainage features and the LLFA have no objection subject to conditions (bronze).
- **Theme 9: Historic Buildings** – Not relevant.

5.12.2 The proposal sets out in the Sustainability Statement how many of the minimum standards of the above themes of the Sustainability SPD will be exceeded to meet silver standards. The development should be constructed in accordance with the submitted details. The benefits of these sustainability credentials weigh moderately in favour of the proposals.

### 5.13 Planning Obligations

5.13.1 In considering planning obligations in relation to this development NPPF para. 57 advises that: *‘Planning obligations should only be sought where they meet all of the following tests:*

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

5.13.2 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.

5.13.3 The applicant has submitted a viability appraisal to accompany the planning application, which has been independently tested by DS2 over the course of several months. The position taken on build costs, benchmark land values, development finance costs, professional fees and profit levels varies between the applicant’s assumptions and estimates proposed by DS2. Between all these assumptions, the appraisal indicates that the scheme would be about £14 million in deficit and relies completely on grants and funding. There is a difficult dynamic where grants cannot be secured until planning permission is granted and so this application progresses to ensure it reaches a stage where the applicant can move forward, acknowledging the risk of wasted time and expense which is the applicants to bear. The deficit in the viability does include the

financial contributions requested by HCC Highways and Growth and Infrastructure. It should also be noted that since the time the viability review was undertaken HCC Growth and Infrastructure have reviewed their contributions and the amounts have been overall reduced, which is positive for the viability position. The viability review did not take account of NHS requested contributions due to timing but given the reduction of GIU contributions this is covered. There is no other argument made by the applicant for reducing contributions.

5.13.4 The applicant agrees to the Heads of Terms listed in the following table:

<b>Element</b>	<b>Detail</b>	<b>Justification</b>
Affordable Housing (NHDC)	The scheme will deliver 100% affordable housing over two phases of which a minimum of 53% will be delivered using social tenure (social rent, affordable rent) and no more than 47% will be delivered using intermediate tenures (shared ownership, shared equity). There is flexibility for the applicant to increase the proportion of social tenures by providing a scheme of affordable housing through the s106.	NHDC Developer Contributions (SPD) Feb 2023  NHLP Policy HS2
Childcare Services (HCC)	Indicative contributions of £16,695 (to be index linked) towards increasing the capacity of 0-2-year-old childcare facilities in the Letchworth and Baldock Family Centre Reporting Locality and/or provision serving the development  Indicative contributions of £423 (to be index linked) towards increasing the capacity of 5-11 year old childcare facilities at Icknield Infant and Nursery School and Wilbury Junior School, and/or provision serving the development	Policy SP7; Developer Contributions SPD; and HCC 'Guide to Developer Infrastructure Contributions' 2022
Special Educational Needs and Disabilities (SEND) (HCC)	Indicative contribution of £103,328 (to be index linked) towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development	As above
Library Services (HCC)	Indicative contribution of £21,221 (to be index linked) towards increasing the capacity of Letchworth Library and/or provision serving the development	As above
Youth Services (HCC)	Indicative contribution of £6,595 (to be index linked) towards resource requirements to support the delivery of youth work with young people in the area and/or provision serving the development	As above

Waste Service (HCC)	Indicative contributions of £125,624 (to be index linked) towards increasing capacity at Letchworth Recycling Centre or provision to serve the development and/or provision serving the development	As above
Waste Service: Recycling Centre Contribution	Indicative contributions of £15,191 (to be index linked) towards increasing capacity at Letchworth Recycling Centre or a new recycling centre in Baldock and/or provision serving the development	As above
Waste Service: Transfer Station Contribution	Indicative contributions of £21,245 (to be index linked) towards increasing capacity through the new Northern Transfer Station and/or provision serving the development	As above
Fire and Rescue Service	Indicative contributions of £42,490 (to be index linked) towards increasing the capacity through the expansion of Baldock and Letchworth Fire Station and/or provision serving the development	As above
Sustainable Transport contributions (HCC)	Contributions of £582,000 (to be indexed linked) towards measures to enhance sustainable transport in the vicinity calculated based on the number of non-car driver trips and the scale of residential and non-residential development, to upgrade and improve sustainable transport in line with priorities identified	Policy SP7, SP17 and D1  Developer Contributions SPD  HCC LTP4  HCC 'Guide to Developer Infrastructure Contributions' 2022
Monitoring Fees (HCC)	Towards the County Council's reasonable and proper administrative costs of monitoring compliance with the provision in the legal agreement.  The fees will be calculated based on the number of triggers within the legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024)	Policy SP7; Developer Contributions SPD; and HCC 'Guide to Developer Infrastructure Contributions' 2022

Monitoring Fee (NHDC)	One off monitoring fee of £420 (to be index linked) per trigger for monitoring affordable housing	Policy SP7  Developer Contributions SPD
Primary Healthcare	Contribution toward primary healthcare provision in the Letchworth Garden City area, amount to be discussed and agreed with the NHS and applicant, to be delegated to the Development and Conservation Manager.	Policy SP7  Developer Contributions SPD

5.13.5 At this stage the planning contribution figures have been agreed by all parties. Discussions are ongoing regarding the wording of the s106 Agreement however it is considered that discussions are advanced enough to refer this matter to Planning Committee and that the outstanding issues are minor in nature and can be resolved prior to determination.

5.13.6 These Obligations are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In the light of the detailed evidence, the Obligation meet the policy in paragraph 256 of the NPPF and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Further response is awaited from the NHS to finalise an agreed contribution that is fairly and reasonably related in scale and kind and will be delegated to the Development and Conservation Manager.

5.13.7 Some of the provisions of the Obligation are designed to mitigate the impact of the proposal and these elements, most notably the infrastructure contributions, therefore weigh as neutral in the planning balance. Affordable housing provision will also be secured in the legal agreement, and the developments overprovision of affordable housing do weigh heavily in favour of the proposed development, but this has already considered previously in this report and considered separately in the conclusion below.

## 5.14 Planning Balance

5.14.1 The site at Campfield Way in Letchworth is an unallocated site in the NHLP but would be a windfall site with a net increase of 69 homes on a previously developed site which would contribute 100% affordable housing. The site will make a very significant contribution to the delivery of affordable homes in the district.

5.14.2 Through this planning application for full permission, this site has been through a pre-application masterplanning exercise with formal Design Review Panel and extensive negotiations over the last few years. The proposals represent a high standard of urban design in keeping with this historically sensitive context. The proposals are in accordance with Policies SP9 of the NHLP 2022.

### *Harm to heritage assets*

5.14.3 Given the less than substantial harm to a designated heritage asset, the NPPF para. 202 requires that '*this harm should be weighed against the public benefits of the proposal...*' NHLP Policy HE1 reflects this position in point c). There are several public benefits

identified arising from the proposals, which have already been addressed earlier in this report:

- a) This application is for 157 new homes to be delivered on a site within the urban area of a town, representing an increase of 69 units on site. This housing development will positively contribute to the district’s delivery of housing and in particular the 5-year housing land supply as per Policies SP8 and IMR1.
- b) The proposals would comprise 100% affordable housing. The public benefit is the delivery of a significant number of new affordable homes, to be delivered with a range of housing mix and tenures. This housing development will significantly contribute to the district’s delivery of affordable housing and in particular the 5-year housing land supply as per Policies SP8 and IMR1.
- c) The proposals would provide a more suitable housing mix, which meets the needs of existing residents and the housing needs of the district.
- d) The site has been masterplanned with urban design colleagues through pre-application negotiations and Design Review Panel, and the design has incorporated the Garden City Principles in layout and architectural detail.

5.14.4 In accordance with the NPPF and NHLP policies the proposals are considered to result in ‘less than substantial harm’ that the proposals will have on the designated heritage asset and its setting, but that the public benefits of the delivery of up to 69 net increase in homes of which 100% will be affordable housing, is sufficient to outweigh the harm. This matter weighs greatly in the planning balance.

5.14.5 The following table summarises the matters that weigh in favour and against the proposed development:

Issue	Effect	Weight
Provision of 157 affordable homes	Benefit*	Very significant
Masterplan and urban design	Benefit*	Moderate
Sustainability credentials	Benefit*	Moderate
Ecology	Benefit*	Moderate
Heritage	Less than substantial harm*	Great
Planning obligations	Neutral*	None
Trees and Greenspaces	Neutral*	None
Archaeology	Neutral*	None
Highways	Neutral*	None
Flood risk and drainage	Neutral*	None
Environmental health	Neutral*	None
Residential amenity	Neutral*	None
Primary healthcare	Neutral*	None

Table 1: Planning Balance Summary (\*conditions and obligations recommended)

## 6.0 Overall Assessment

- 6.1.1 This is a proposed development on previously developed land within the existing urban area of Letchworth. The proposals will make an important contribution to the housing land supply, in particular the contribution towards affordable housing. As the Council is currently unable to demonstrate a 5-year housing land supply, the tilted balance of paragraph 11(d) of the NPPF 2024 is engaged.
- 6.1.2 The several collective benefits of the development, including the provision of affordable housing which is very significant; the masterplanning of the site and resultant quality of urban design, ecology and sustainability credentials are all described as moderate benefits in the planning balance. The adverse impact identified relates to heritage. The agreed planning obligations address the impact of the proposed development and are considered to be necessary, directly related to the development and fairly and reasonably related in scale and kind, as per the CIL regulations.
- 6.1.3 Overall, the heritage adverse impacts of granting planning permission for this proposed development would not significantly and demonstrably outweigh the more abundant benefits, when assessed against the policies in the NPPF 2024 taken as a whole. The proposed development therefore benefits from the presumption in favour of sustainable development which is a material consideration.
- 6.1.4 The proposal would accord with the development plan as a whole and other material consideration do no indicate otherwise. Accordingly, it is recommended that planning permission be granted for this full planning application.

## **7.0 Alternative Options**

- 7.1 None applicable (see 'Key issues' section of this report above)

## **8.0 Pre-Commencement Conditions**

- 8.1 The applicant has yet to agree the pre-commencement conditions that are proposed.

## **9.0 Legal Implications**

- 9.1 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.

## **10.0 Recommendation**

- 10.1 That outline planning permission is resolved to be **GRANTED** subject the following:
- A) The completion of a satisfactory legal agreement, and the applicant agreeing to extend the statutory period in order to complete the agreement if required; and
  - B) Providing delegated powers to the Development and Conservation Manager to finalise a NHS contribution, and to update conditions and informatives with minor amendments as required;

C) The written agreement of the applicant to pre-commencement conditions; and

D) Conditions as set out below:

**Definitions:**

'**Development Phase**' means a phase or part of the development. For instance, this would include either east or west parcel of the application site divided into two phases or part by the applicant.

**Condition 1 Biodiversity Net Gain**

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 Herts Council.

Reason: To ensure the protection, enhancement and management of biodiversity, and to comply with Policy NE4 of the North Hertfordshire Local Plan 2011 to 2031.

**1. Timescales**

The development hereby permitted shall be begun before the expiration of 5 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. Approved Plans and Documents**

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

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

**3. Restricted Permitted Development rights**

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

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

#### **4. Materials**

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 above ground works 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.

#### **5. Details of soft landscaping**

Prior to commencement above ground level works, full details of soft and hard landscaping will be submitted to and approved in writing by the Local Planning Authority. Details will include:

##### **Soft Landscape**

- a) Details of trees, hedgerows, habitats, ponds and other natural features it is proposed to retain or remove and details of how they will be protected during the construction phase. Such details to include the tree protection measures in accordance with BS5837:2012.
- b) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants;
- c) 1:100 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of each development phase;
- d) The landscape treatment of roads;
- e) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.), tree pit details and details of the species, number and spacing of trees and shrubs;
- f) The planting and establishment of structural landscape to be provided in advance of all or specified parts of the site as appropriate;
- g) Full details of any proposed alterations to existing watercourses/drainage channels and details of any water features;

No subsequent alterations to the approved landscape details are to take place unless submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of residents and to ensure that a detailed approach to the development of the built-up area (or parcels thereof) is agreed, in order to safeguard the setting of the site and its surroundings, and to ensure a suitable relationship and integration of the built development with its surroundings

## **6. Landscaping timing**

The approved landscaping details shall have been implemented on site before the end of the second planting season following either the first occupation of the relevant phase, or the completion of the development, whichever is the sooner. 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.

## **7. Tree retention**

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

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

## **8. Tree protection**

No works or development shall take place on a development parcel before a scheme for the protection of the existing trees (other than those the removal of which has been granted express permission in writing by the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. Such a scheme will comply with the provisions of BS5837 ("Trees in relation to construction – 1990") and BS 3998 ("Recommendations for tree works – 1989"). The approved scheme for the protection of the existing trees shall be implemented before development commences on a development parcel and be maintained in full until the development has been completed

Reason: To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired in accordance with North Hertfordshire Local Plan policy NE2.

## **9. Ecological Enhancements**

Notwithstanding the Preliminary Ecological Appraisal submitted with the application, no development above ground works shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures, has been submitted to and approved in writing by the local planning authority. These shall be implemented on site in accordance with the details unless otherwise agreed in writing.

Reason: To ensure the protection, enhancement and management of biodiversity, and to comply with Policy NE4 of the North Hertfordshire Local Plan 2011 to 2031.

## **10. Construction Environmental Management Plan**

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures to avoid or reduce impacts during construction.
- d) Details to address containment, control and removal of invasive non-native species.
- e) The location and timing of sensitive works to harm to biodiversity features including lighting
- f) Responsible persons and lines of communication.
- g) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To ensure the protection, enhancement and management of biodiversity, and to comply with Policy NE4 of the North Hertfordshire Local Plan 2011 to 2031.

## **11. Lighting (ecology)**

Prior to the commencement of the development above ground works hereby approved, a scheme of sensitively designed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include and consider light spill onto retained and newly created habitat, in particular the retained woodland habitat forming the south of the site, should be minimised in accordance with good practice guidance, as set out in footnote 15 of the approved Updated Ecological Report by Aspect Ecology referenced 1005083 UEcoAp vf12 CL dated 15/11/2022. The sensitively designed lighting strategy shall consider the following key factors:

- Light exclusion zones
- Variable Lighting Regimes
- Light barriers
- Spacing and height of lighting units
- Light intensity
- Directionality

Reason: To ensure the protection, enhancement and management of biodiversity, and to comply with Policy NE4 of the North Hertfordshire Local Plan 2011 to 2031.

## **12. Habitat Management and Monitoring Plan**

The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority and including;

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works in accordance with the approved Biodiversity Gain Plan;

- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

The agreed measures are to be implemented on site prior to the first occupation of the first dwellinghouse hereby approved and shall remain on site thereafter.

Reason: To ensure the protection, enhancement and management of biodiversity, and to comply with Policy NE4 of the North Hertfordshire Local Plan 2011 to 2031.

### **13. Historic Building Survey**

No demolition of the bungalows in each development phase can commence until a programme of historic building recording has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

A Heritage Interpretation Strategy shall be submitted to the local authority and approved in writing prior to the commencement of demolition works. This shall include details of the content and location of the proposed interpretation boards, details of all material proposed for deposition within the Letchworth Garden City Heritage Foundation and Garden City Museum and details of the proposed aural history project.

Reason: To safeguard the identification and recording of any features of architectural, historic and archaeological interest associated with the site and the fabric of the buildings in accordance with Policies SP13, HE1 and HE4 North Hertfordshire Local Plan 2011 to 2031.

### **14. Fire Hydrants**

No development apart from enabling and associated works shall take place until details of a scheme for the provision of fire hydrants to serve the relevant phases of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The provision and installation of fire hydrants, at no cost to the County or Fire & Rescue Service.

Reason: To ensure all proposed dwellings have adequate water supplies for in the event of an emergency.

### **15. SWMP**

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

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

### **16. EV Recharging Infrastructure Condition**

The proposed new development shall incorporate Electric Vehicle (EV) ready domestic charging points on the following basis:

1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking)

Prior to occupation of the relevant development phase, the final provision and EV specification should be submitted to and agreed with the Council on the basis of a detailed proposal.

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

### **17. Phase 2 Investigation**

No construction activity approved by this permission shall take place until a further Phase 2 investigation report, as recommended by the previously submitted Leap Environmental Ltd report dated 19<sup>th</sup> January 2024 (Ref: LP3053/SI/4), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

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

### **18. Contamination Validation Report**

Prior to the occupation of the relevant development phase 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.

### **19. Contaminated Land**

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. (EHO)

## **20. Noise from Transport**

No development above ground level works of each development phase shall take place until a scheme for protecting the proposed dwellings from noise from transport sources has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the recommendations identified in the Sol Acoustics Ltd report (Ref: P2076-REP02-DJR REV09) dated January 2024. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

Reason: To protect the amenity of future residents

## **21. Noise Limits**

Any plant machinery or equipment installed as part of this development shall not exceed the noise limits as set out in the Sol Acoustics Ltd report (Ref: P2076-REP02-DJR REV09) dated January 2024.

Reason: To protect the residential amenity of existing residents

## **22. LLFA Condition 1**

All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (Titled "Flood Risk Assessment Campfield Way, High over Road, 49a-75 (odd) Icknield Way, Letchworth Garden City" and dated December 2024), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

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

## **23. LLFA Condition 2**

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

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

## **24. LLFA Condition 3**

Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF

#### **25. LLFA Condition 4**

The relevant development phase hereby approved shall not be occupied in the relevant development phase until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. A timetable for its implementation.

II. Details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

III. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

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

#### **26. LLFA Condition 5**

Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to [LLFA Condition 1]. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

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

#### **27. Visibility Splays**

Prior to the first occupation, all visibility splays for internal road and at the main access point off Icknield Way as shown on the drawings (Ref- 1022.0002.003, Rev D and 1022.0002.004, Rev-D) included as "Appendix-E" in the submitted Transport Assessment (TA) shall be provided and such splays shall thereafter be always maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Roads in Hertfordshire, Section 4, 2.3

#### **28. Parking**

Prior to the first occupation of the relevant development phase hereby permitted the proposed parking and turning areas as shown on in-principal drawing (Ref- CW-RTA-XX-XX-DR-A-00114

Rev -PL06) shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the approved plan and retained thereafter available for that specific use.

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

### **29. Cycle Parking**

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

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

### **30. Construction Management Plan and Temporary Closure of Greenway Footbridge:**

The development shall be carried out in accordance with approved Construction Traffic and Environment Management Plan (Ref- CMP\_08, Feb-2025). And prior to commencement of the phase 1 works, additional plans must be submitted to and approved in written by the LPA in consultation with highway authority which show the details of proposed alternative pedestrians route including diversion & direction signs and additional dropped kerbs if needed as proposed in page 36-37 of the submitted Construction Management Plan. And the alternative route shall be provided before closing off the railway footbridge and re-open the railway footway bridge for public use after completion of the phase 1 works.

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).

### **31. Archaeology A**

Notwithstanding the details provided within the Written Scheme of Investigation (WSI) phase 1 Trial Trench Evaluation and Historic Building Recording by HCUK and Archaeological Evaluation by PCA, no demolition or development shall take place or commence until a further Archaeological WSI has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

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

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

### **32. Archaeology B**

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

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

### **33. Archaeology C**

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

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

### **34. Sustainability Statement**

The details set out in the Sustainability Statement rev P09 shall be implemented and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

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

### **35. Waste storage detail**

Prior to occupation of each development phase, details of the provisions for the storage and recycling of refuse have been submitted to and approved in writing by the Local Planning Authority. These provisions shall be made and/or constructed and thereafter be permanently available for the occupants of the building(s).

Reason: To facilitate refuse and recycling collections, and to protect the amenities of nearby residents/occupiers and in the interests of visual amenity in accordance with North Hertfordshire Local Plan Policies D1 and D3.

### **36. Open Space Management and Maintenance**

Prior to occupation of each development phase, a detailed Open Space Management and Maintenance Scheme for the management and maintenance of all areas of open space (to include parks, greenways, play areas, informal open space, semi-natural green space, drainage areas) shall be submitted to and agreed in writing by the Local Planning Authority and implemented. Details to be submitted shall include:

- a) Management organisation;

- b) Details of landscape management and maintenance plans;
- c) Details of planting, grass cutting, weeding and pruning;
- d) Management of sustainable urban drainage features;
- e) Inspection, repair and maintenance of all hard landscaping and structures;
- f) Management, monitoring and operational restrictions; and
- g) Maintenance and planting replacement programme for the establishment period of landscaping

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

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

**Proactive Statement:**

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

**Informatives:**

**EV Charging Point Specification:**

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

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

- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth

stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

- A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>
- UK Government issued legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov regulations.

#### **HIGHWAY INFORMATIVE:**

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](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

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

AN) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN) 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) Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority.

No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN) Section 106 Agreement: Planning permission granted subject to the completion of a Section 106 Agreement between the applicant, North Hertfordshire District Council, and Hertfordshire County Council to secure the following:

A. A financial contribution towards Sustainable Transport Contribution of £370,994.00 index linked by SPONS to January 2019 to be pooled towards the following listed schemes in priority basis.

i).North Herts LCWIP-Schemes:

- NH35 –Highfield including school access.
- NH40 – Icknield way and Greenlane
- NH58 -Pixmore Ave
- NH56 – Other LGC Improvements

ii).HCC's North Central Growth and Transport Plans s Schemes:

- Schemes will be included from Packages 11(Scheme ID -SM63)

iii).Improvement of Railway Footbridge:

- Potential replacement
- Improvement to access, painting, and lighting

B.Travel Plan:

i) .An approved Travel Plan at least 3 months before first occupation, consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote sustainable travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's Travel Plan Guidance (March 2020) or any subsequent replacement guidance.

ii) The Travel Plan is subject to an 'Evaluation and Support Contribution' totalling £6,000 (index linked by RPI from March 2014), payable before first occupation of the development. This contribution is to cover the County Council's costs of administrating and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review. The applicant's attention is drawn to Hertfordshire County Council's guidance on Travel Plans in this respect.

iii.) A Travel Plan Remedial Measures Notice clause within the Legal Agreement, enabling the County Council to serve notice in writing on the Owner via the Travel Plan Co-ordinator where the Owner has failed to meet one or more of the targets identified in the Travel Plan, and specifying the remedial measures and/or actions required to be taken by the Owner to remedy the failed implementation towards the agreed targets with a reasonable time.

C.Car Club:

i.) A 'Car Club Agreement' between the Owner and a Car Club Operator overseen by North Herts District Council, for the provision of a Car Club, to include at least two Car Club space prior to first occupation of any dwelling, and to safeguard the Car Club space for use by the Car Club. The Car Club shall include Car Club Credit Vouchers (value to be confirmed) to the end-user of the use of the cars made available by the Car Club.

ii.) At least one resident in each dwelling at the site will have access to one year's free membership of Enterprise Car Club (or whichever other operator is active at this site) and £50 drive time vouchers.

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

AN) Stopping up of highway: Highway rights will need to be extinguished across the area of land affected in accordance with a Stopping Up order to be made by the Secretary of State for the Department of Transport under Section 247 of the Town and Country Planning Act 1990 before development can commence. Further information is available on the Planning Portal at: [https://www.planningportal.co.uk/info/200187/your\\_responsibilities/40/other\\_permissions\\_you\\_may\\_require/14](https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/14) and on the government website: <https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

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

## **Anglian Water**

### **ASSETS**

#### **Section 1 - Assets Affected**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those

assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

## WASTEWATER SERVICES

### Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Letchworth Water Recycling Centre that will have available capacity for these flows

### Section 3 - Used Water Network

This response has been based on the following submitted documents: Propose Drainage Strategy Plan 11895/1101 P7; Based upon the above reference documents, the proposed connection is acceptable. We do not require a condition in planning for foul water. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

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

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

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

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

### **Thames Water**

Thames Water has reviewed this H4 consultation. Your client requires a build over agreement before commencing works, because we believe the proposed development is within 3 metres of a public sewer (of which, the internal diameter is less than or equal to 150mm).

Your client can find out more and apply on our [website](#) .

Please also advise your client, if applicable, that Thames Water do not permit driven piles within 15m of a public sewer. Our technical guidance can be found [here](#) .

## **Works in Proximity to the Operational Railway Environment**

### **Development Construction Phase and Asset Protection**

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed may include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works. We would also like to advise that where any damage, injury or delay to the rail network is caused by construction works or future maintenance (related to the application site), the applicant or developer will incur full liability. This could also include police investigation as it is a criminal offence to endanger the railway or obstruct the passage of rail traffic. It should also be noted that any damage that requires a line closure or repairs can result in costs which could exceed hundreds of thousands of pounds.

Contact details for Asset Protection are supplied below and **we would draw the developers' attention to the attached guidance on Network Rail requirements.**

The application must be supported by a site-specific Construction Methodology should it not be possible to satisfy Network Rail's requirements recommended in the attached. The council should satisfy itself, without consulting Network Rail, that there are good reasons why the recommended requirements cannot be adhered to.

### **Additional Requirements**

#### **Railway Noise Mitigation**

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

#### **Network Rail Standard Informatives**

*Please note, not all of these requirements may be applicable to this development*

##### **Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

### Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

### Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

### Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

### Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

### Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

### Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection

### OFFICIAL

Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

#### Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

#### Two Metre Boundary

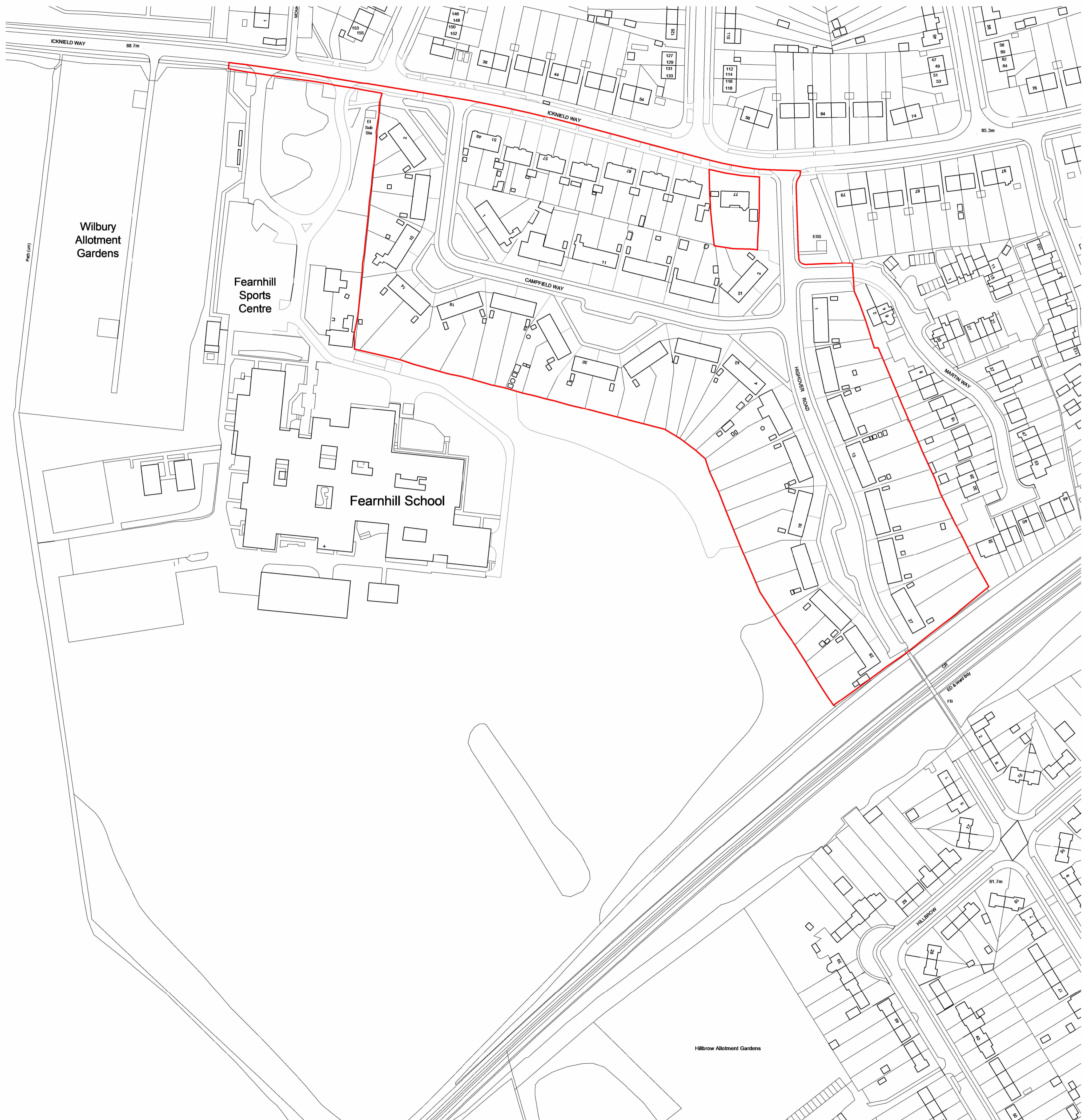
Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

#### ENCROACHMENT

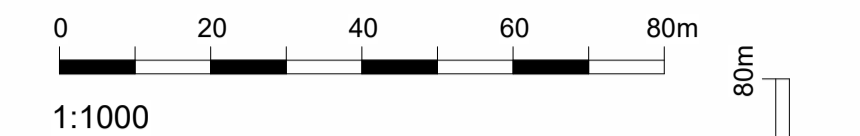
The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

#### Access to the Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.



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 All dimensions to be checked on site prior to commencement of works  
 Rock Townsend Architects LLP to be notified of any omissions or errors



— SITE BOUNDARY

19.12.23	HG	Issued for planning	PL03
21.11.23	HT	Issued for Coordination	PL02
REVISIONS			DATE/DRAWN



PROJECT	Campfield Way		
	Letchworth		
DRAWING TITLE	Location Plan		
	(OS Map extract)		
DATE	SEP 22	DRAWN	ZM
SCALE	1 : 1000	@ A1	CHECK
STATUS	PLANNING		
RT JOB NO.	RT21035	REVISION	PL03
DRAWING NO.	CW-RTA-XX-XX-DR-A-00001		

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<u>Location:</u>	<b>Land To The South And East Of Senuna Park Station Road Ashwell</b>
<u>Applicant:</u>	<b>Mr Ben Wilkinson</b>
<u>Proposal:</u>	<b>Residential development of 36 no. dwellings including creation of vehicular access off Station Road, associated parking, drainage, amenity space and landscaping.</b>
<u>Ref. No:</u>	25/02547/FP
<u>Officer:</u>	<b>Anne McDonald</b>

**Target Determination date:** 16th January 2026.

**Extension of Time date:** 17<sup>th</sup> April 2026.

**Reason for delay:** Time taken to receive consultation responses and amended plans.

**Reason for referral to committee:** The application is proposing residential development on a site larger than 0.5 ha (the site area is 3.18 ha) and therefore in accordance with the Council's Constitution, as set out at 8.4.5, is being presented to Planning Control Committee for determination.

**Supporting documents and plans:** Please refer to the list attached at Appendix 1.

## 1.0 Policies

### 1.1 North Herts 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, landscape and biodiversity;  
Policy SP13: Historic Environment.

Policy CGB1: Rural Areas beyond the Green Belt;  
Policy CGB2b: Community facilities, services and affordable housing in the Rural Area beyond the Green Belt;  
Policy T1: Assessment of Transport matters;  
Policy T2: Parking;  
Policy HS2: Affordable housing;  
Policy HS3: Housing mix;

Policy HS5: Accessible and adaptable housing;  
Policy D1: Sustainable Design;  
Policy D3: Protecting living conditions;  
Policy D4: Air Quality;  
Policy 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 NE11: Contaminated land;  
Policy HE4: Archaeology.

## 1.2 National Planning Policy Framework

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 and beautiful places;  
Section 14 – Meeting the challenge of climate change, flooding and coastal change;  
Section 15 – Conserving and enhancing the natural environment.

## 1.3 Ashwell Neighbourhood Plan (ANHP) – Made April 2022

ASH 1 – Location of development.  
ASH 2 – Housing mix.  
ASH 4 – Design of development.  
ASH 8 – Locally significant views.  
ASH 9 – Natural landscape and rural character.  
ASH 10 – Natural wildlife assets, wildlife corridors and green infrastructure.  
ASH 18 – Education provision.  
ASH 19 – Accessible paths in the village and rural areas.  
ASH 20 – Residential and public car parking.

## 1.4 Supplementary Planning Documents

Developer Contributions SPD (2023).

## 2.0 Site History

2.1 17/01406/1 - Residential development of 46 no. dwellings, children's play area, two new sports pitches, pavilion building and associated infrastructure. Refused and dismissed at appeal. This application is within the back third of this site area. This application was refused for six reasons for refusal. These are:

1. In the opinion of the Local Planning Authority due to the location of this planning application site, separated from the main body of Ashwell village, the proposed development for 46 dwellings and sports pitches would have a heavily urbanising impact on the character and appearance of the rural area, against the pattern and grain of existing development and poorly integrated with Ashwell village. Such a piecemeal form of development would as a result harm the character and appearance of the locality. The proposal therefore conflicts with saved Policy 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations, Policy D1 of North

Hertfordshire Submission Local Plan (2011-2031) and paragraphs 57 and 64 of the National Planning Policy Framework.

2. By reason of its siting beyond the built limits of Ashwell, the location within open farmland in landscape character area 226 - Steeple Morden Plain Area and the heavy use of planting to screen the site, the development proposal would fail to positively enhance the wider landscape setting of the village, nor would it improve the character and quality of the Rural Area and, as such, would afford significant and demonstrable harm to the intrinsic beauty of the countryside. This harm is considered to clearly outweigh the benefits of providing new dwellings on the site. The proposal is therefore contrary to the provisions of saved Policies 6 of the North Hertfordshire District Local Plan No. 2 with alterations and, Paragraph 17, 109, 116, 156 of the National Planning Policy Framework. The development would also be contrary to Policy CGB1 of the North Hertfordshire Emerging Local Plan 2011 - 2031.
3. 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 to the requirements of the National Planning Policy Framework (NPPF).
4. The application fails to adequately demonstrate that there is a proven need for the proposed sports facilities. In addition, the proposal fails to demonstrate that the development would not occasion harm to either existing residents in the vicinity of the site or future occupiers of the proposed dwellings in terms of noise, the impact of access arrangements on residential amenity and the management and operational arrangements for the sports pitches. As such the application would be contrary to saved Policy 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations, Policy D1 & D3 of North Hertfordshire Submission Local Plan (2011-2031) and paragraphs 57 and 64 of the National Planning Policy Framework.
5. Given the lack of essential services in the vicinity of the site, in particular a lack of primary education provision to serve the needs of this development, the occupiers of the proposed dwellings would be heavily dependent on services provided outside of the immediate area, giving rise to a significant reliance on private transport. In additions to this, the land on which the site is located is Grade 2 agricultural land, which constitutes the best and most versatile land. As well as being harmful to the natural environment, this would amount to development of the land which is both environmentally and economically unsustainable. In the absence of any realistic measures or other reasons which may offset this unsustainable impact, the proposal would be contrary to the objectives of the National Planning Policy Framework, generally and specifically Paragraphs 14, 49 and 112, and to Policies SP1 and SP6 of the Emerging Local Plan 2011 - 2031, and to Planning Practice Guidance - Natural Environment para. 026.

6. The proposed development lies within an Area of Archaeological Significance. Records in close proximity to the site suggest it lies within an area of significant archaeological potential. Given this and the large scale nature of the proposal, this development should be regarded as likely to have an impact on significant heritage assets with archaeological interest, some of which may be of sufficient importance to meet NPPF para 139. This could represent a significant constraint on development. In the absence of a geophysical survey or archaeological field evaluation, there is insufficient information to determine the importance of any archaeological remains on the site. The proposal will be contrary to Section 12 of the NPPF.
- 2.2 20/03070/FP - Residential development of 28 no. dwellings and landscaping including pond, wildflower meadow and woodland and associated infrastructure. The application site for application 20/03070/FP is the front part of the site area for application 17/01406/1 and is land outside of the application site area for this 25/02547/FP application. Application 20/03070/FP was refused for two reasons for refusal and was allowed at appeal. The LPA reasons for refusal were the same as reasons 1 and 3 stated above for the 2017 application.
- 2.3 Following the allowing of the appeal for application 20/03070/FP there have applications made to agree the imposed conditions and application 23/01477/S73 to vary condition 13, which requires the provision of a new bus stop on Station Road, and has allowed for the works to be completed prior to occupation rather than prior to the commencement of the development.
- 2.4 No pre-application scheme was submitted prior to the receipt of this application. The Council's website states under 'Amend a planning application' that it is our normal position not to seek or accept any significant amendments after validation but that we will accept amendments to applications that were the subject of pre-application consultation where applicants have considered and addressed pre-application advice given. Minor changes have been sought to the layout of the proposal which have been accepted by the applicant.
- 3.0 **Representations**
- 3.1 **HCC LLFA** – the site contains an area of high surface water flood risk to the northwest corner of the site and the development has the potential to improve existing flooding issues. The LLFA object to the application due to the absence of an acceptable Flood Risk Assessment and / or Drainage Strategy.
- 3.2 **HCC Archaeology** – the adjacent site has been the subject of geophysical survey and trial trench evaluation and no heritage assets of national significance were found. The Heritage Assets that were found were remains of a possible late Iron Age or Roman road with roadside ditches. Therefore, it is appropriate to recommend no objection to this application subject to the inclusion of a condition.
- 3.3 **HCC Water and Fire Rescue Officer** – no objection subject to a condition requiring the provision of fire hydrants.
- 3.4 **HCC Spatial Planning Unit Minerals and Waste**– no objection subject to condition requiring a Site Waste Management Plan.
- 3.5 **HCC Highways** – no objection subject to conditions.

**3.6 HCC Growth and Infrastructure** – require the following planning obligation:

1. Secondary Education Contribution towards the expansion of Knights Templar Secondary School, Baldock, and/or provision serving the development (£439,126 index linked to BCIS 1Q2024).
2. Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities at Ashwell Primary School and/or provision serving the development (£643 index linked to BCIS 1Q2024).
3. Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£63,760 index linked to BCIS 1Q2024).
4. Library Service Contribution towards increasing the capacity of Baldock Library and/or provision serving the development (£10,630 index linked to BCIS 1Q2024).
5. Youth Service Contribution towards resource requirements to support the delivery of youth work with young people in the area and/or provision serving the development (£7,250 index linked to BCIS 1Q2024).
6. Waste Service:
  - Recycling Centre Contribution towards a new recycling centre at Baldock and/or provision serving the development (£7,609 index linked to BCIS 1Q2024).
  - Transfer Station Contribution towards the new Northern Transfer station and/or provision serving the development (£10,641 index linked to BCIS 1Q2024).
7. Fire and Rescue Service Contribution towards the expansion of Baldock Fire Station and/or provision serving the development (£15,451 index linked to BCIS 1Q2024).
8. Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

**3.7 NHDC Environmental Health** – no objection subject to conditions.

**3.8 NHDC Conservation Officer** – the site is some distance from the Ashwell Conservation Area. No comment.

**3.9 NHDC Housing Officer** – Key points:

- the affordable housing provision is 40% as more than 25 homes are provided and the Council requires a 65% rented and 35% affordable home ownership or other form of affordable housing tenure mix.
- The North Herts and Stevenage SHMA Update 2023 shows a need for 65% social rent / 15% affordable rent / 20% affordable home ownership mix and there is a higher need for two bedroom family hoes and some need for larger family homes for rent.
- The Ashwell Neighbourhood Plan identifies a greater need for one, two and three bedroom homes across all tenures which is to meet the need for single people, couples and smaller families in need of affordable housing or entering the market or for older people wishing to downsize.
- The applicant has not provided a tenure plan and their proposals do not meet the needs identified in the recent hosing needs survey or requirements of the Ashwell Neighbourhood Plan for market or affordable housing.
- To meet the housing needs the affordable housing should comprise 5 x 1-bed flats, 3 x 2-bed housing and 1 x 4 bed house which is M4(3) wheelchair accessible for social rent and 4 x 2-bed houses and 1 x 3-bd house for affordable home ownership.

- The application should consider the provision of bungalows and / or two bedroom houses for market sale to meet the needs of elderly downsizers who wish to remain in the village.
  - The affordable housing is clustered together away from the market housing which does not provide a mixed and balanced community. The affordable housing comprises terraced housing and flats and the market housing are detached dwellings.
  - The applicant's proposals do not meet housing need.
  - The two bedroom flats should not have one open living space but should comprise two habitable rooms to allow for separate spaces for homeworking or children doing homework.
  - Parking courts should be avoided and there is often limited of no natural surveillance and residents prefer to park outside their homes.
- 3.10 **Anglian Water** – no objection subject to informatives. They state that their records show there are no assets owned by Anglian Water in the site. Based on Q90 DWF figures verified by the Environment Agency, the Ashwell WRC is within acceptance parameters and can accommodate the flows from this proposal growth. The drainage proposals are acceptable to connect to the manhole upstream of the pumping staling.
- 3.11 **Place Services Landscape Advice Service** – the Ashwell Neighbourhood Plan has five Visual Character Areas and this site is close to but outside of 'V2 – The Eastern Area'. The application has been submitted with a Landscape and Visual Appraisal. The photo survey for this was undertaken in April 2025 with some deciduous trees without leaf cover but new growth on hedgerows. Preference is for winter photography to show 'worse case' scenario. The site falls within the North Herts Landscape Study (Character, Sensitivity and Capacity) Landscape Character Area (LCA) Steeple Morden Plain Area 226.
- We agree with the judgements of the existing sensitivity of the LCA of the site as low-medium and the landscape effect of 'minor adverse' at year 1.
  - We have concerns on the assessment of the landscape effects at year 1 on the townscape of Ashwell Village assessed at 'minor / moderate adverse' and consider this could be higher.
  - We would have liked to have seen 'Significant Viewpoint G' of the Ashwell Neighbourhood Plan assessed and consider that may be some impact on this viewpoint from the development. This viewpoint location is considered at viewpoint 10 in the Landscape and Visual Appraisal, although the impact upon 'Significant viewpoint G' is not considered. As a result we consider the effects on viewpoint 10 in the Landscape and Visual Appraisal could be assessed higher as 'moderate adverse'.
  - Some objections are raised to the layout proposed. In particular the road through the trees, the lack of garden spaces, the proximity of plots to the trees, the amount pathways / hardstanding, the screening of the play area not allowing for visual surveillance and the lack of connectivity to the existing houses at Senuna Park. (Officer note – these comments were made on the original layout plan and the in the revised plan the garden sizes to some plots were increased and the amount of hardstanding and pathways was reduced).
- 3.12 Following the submission of the amended information Place Service Landscape Service comments that the submission of visualisation for viewpoint 11 is welcomed demonstrating the view of the new edge of Ashwell and the proposed mitigation to reduce the visual effects for users on Station Road. This services concludes to advise conditions which are recommended.

- 3.13 **Place Services Ecology Service** – no objection subject to conditions.
- 3.14 Ashwell Parish Council – object. The response from Ashwell PC is attached in full at Appendix 2.
- 3.15 **Steeple Morden Parish Council** – object. Key points raised include:
- The developers Transport Assessment clearly indicates that the vast majority (97%) car traffic from the site will use the Odsey junction onto the A505 and the parking close to the rail station.
  - The development will therefore have a detrimental impact upon a dangerous junction and will compound the already serious problem of roadside parking at Ashwell and Morden Station. The Transport Assessment suggests that approximately 200 trips to and from the site in a 12-hour period and would have a serious cumulative impact.
  - If the planning Authority is minded to approve this application, then without prejudice to our objection we would ask for a condition that no houses will be occupied until the Odsey A 505 junction has been upgraded by a roundabout, traffic lights or similar scheme and that a suitable parking scheme at the Station is operational.
- 3.16 **South Cambs The Mordens Cllr Heather Williams** – objects to the continued expansion of Ashwell and the adverse impact this is having on Odsey. It appears that Hertfordshire’s planning process is currently considering the implications for Odsey in South Cambridgeshire only in a limited capacity, with insufficient attention given to the significant issues posed by the A505 Odsey junction, which is already a recognised accident black spot. The construction of these additional homes, and the subsequent residential use, will inevitably generate a substantial increase in vehicle movements. Residents of the proposed development will make multiple daily trips, many of which will pass through Odsey in order to access the A505. This will contribute to increased traffic congestion and road safety concerns. This matter cannot be regarded solely as a Hertfordshire planning issue. Odsey, located within South Cambridgeshire, must also be fully considered in the assessment of cumulative impacts. Previous planning applications have failed to account for the effects on Odsey and the A505 junction, and unless both the community and Hertfordshire planning authorities are made fully aware of these concerns, further developments are likely to proceed without adequate consideration for the significant consequences on our area.
- 3.17 **CPRE Hertfordshire** – objects to the application for the following reasons:
- this is the rural area beyond the Green Belt and this development does not meet any of the criteria for acceptable development in this area.
  - There are errors in the Planning Support Statement Executive Summary which both does not mention that the area is rural area beyond the Green Belt and also states that the Local Plan has not progressed to a significant stage. The provision of 3.9 5YLS is appropriate for this stage of the plan process.
  - The benefits of this proposal do not significantly outweigh the harm to the open countryside and rural character of this location.
  - We urge the Council to refuse planning permission for this speculative and inappropriate development.
- 3.18 The application has been advertised with site and press notices and neighbour notification letters. At the time of writing there are 15 comments submitted on the application. Key points raised include:

### Neutral comment

- If this is approved then there should be a condition requiring swift bricks. (Officer note – this is covered by condition BNG 2).

### Object

- This development is not needed in the village.
- Ashwell has had too much development in recent years.
- Ashwell cannot cope with another development of this size.
- Object to the loss of yet more of our countryside. There has already been building on to both ends of the village with it going further and further out.
- Do not turn Ashwell into a town. It is a village and should stay as a village.
- The site is outside of the village.
- Ashwell is an old agricultural settlement and wishes to retain its identity centred on the historic centre and not become another suburb of Baldock or Letchworth.
- It is increasing the size of the eyesore that is already there.
- The village school is over-subscribed with no potential to increase the size and the doctors is full.
- There is an issue with water pressure. The whole village is poor and in the summer some homes were without water and tankers were needed.
- The sewage system blocks and floods.
- Senuna Park is already experiencing problems with their sewage system which does not bode well for the future as this site is still not complete.
- The flooding at junction of Bear Lane, Back Street and Silver Street is awful due to the new houses there.
- More houses do not make the water companies take action. They warn of the problem before the houses are built and ignore it afterwards.
- Station Road is now very busy and more disruption from road closures during the construction phase is not welcomed.
- The design is out of a pattern book and has no reflection to Ashwell.
- The solar panels are poorly sited.
- The houses are separate from Ashwell and are not well linked to the village centre. To go anywhere future residents will use cars which is bad of climate change.
- North Herts needs to insist on architecture that is good for the planet.
- I object to another side road off Station Road and if this land has to be developed it should be access through Senuna Park.
- The village cannot take any more traffic.
- The village lanes are narrow and already under considerable pressure / strain. Increased traffic from this development could heightens safety risks to pedestrians, cyclists and horse riders.
- Car parking at the station is along the verge, the access to the A505 is dangerous and needs a roundabout. These have been issues for years but more housing just makes this worse.
- Ashwell needs smaller houses and bungalows for the current village and not more outsiders who just want the status of a posh village to live in but will not participate in the community.
- There are high value new houses that are empty are year after completion in the village.
- If affordable houses were built where local people could live it would be better, but these are homes that are not affordable.
- Those who live in these new houses do not walk or cycle anywhere but go in their cars. They don't support the local groups and pubs and could live anywhere. The new houses should be on a town not this village.
- Building in this location is not good for the environment. People will use cars for all trips out and this is not a sustainable location.

## 4.0 **Planning Considerations**

### 4.1 Site and Surroundings

4.1.1 The application site is 3.18 ha in size and is located to the south-east of the village of Ashwell on the east side of Station Road, and adjoins the new development, now called Senuna Park, on its east and south side. The site is roughly a reverse 'L' in shape, with a narrow area fronting on to the lane, with the site widening out to the east and north. The southern and northern parts of the site are open former agricultural fields with a field gate access off Station Road. Running across the middle of the site is a woodland, known as Millennium Wood, and this wood connects into Senuna Park. The land levels fall slightly from the lane frontage to the east and also fall gently to the north.

4.1.2 The site is outside of the village settlement area for Ashwell and does not contain any land use designations such as Conservation Area, AONB or listed buildings. Open fields extend to the east, south and west on the opposite side of the road. To the north, the recent development of Senuna Park is largely complete and occupied. Further north-west along Station Road there is a mature, residential development and north of the site past Small Gains Lane, which the site adjoins and has access to on its northern border, lies the open land of Ashwell playing fields.

### 4.2 **Proposal**

4.2.1 Full planning permission is sought for residential development in the form of 36 dwellings, comprising 6 x 1-bed flats, 2 x 2-bed flats, 2 x bungalows in a semi-detached pair (1 x 1-bed and 1 x 3-bed), 6 x terraced houses (3 x 2-bed and 3 x 3-bed) and 20 x detached houses (18 x 4-bed and 2 x 5-bed). 22 of the dwellings are for open market houses and 14 are for affordable housing. Apart from the bungalows, all the dwellings, including the blocks of flats, are two storeys in height. A play area is also shown, although this contains no play equipment or seating.

4.2.2 The application sets out that the design ethos of the proposal is for the frontage section to replicate a farmstead layout with the detached houses rear of this being in a garden layout with the groups of the houses being the 'village green' rear of the farmstead, and the 'eastern fringe' and 'north-western cluster' in the north part of the site. As a result, there is a two-storey block of flats positioned close to the frontage of the site, with the terraced homes sitting rear of this to appear as rural barn type buildings. The two bungalows on the south-eastern edge of the site are lower buildings to form a transition to the rural edge in views from the road. There are then 7 detached houses positioned to the south of the wood and a further 13 detached houses positioned to the north of the wood, with a road way to be cut through the wood. A small sub-station is also proposed. The flats and terraced houses have parking within a parking court and each terraced house and two of the flats would each have a small private rear garden. All of the detached houses would have a garage, on plot parking and front and rear gardens, and the bungalows would both have on plot parking and gardens and the 3-bed would have a garage.

4.2.3 As set out in Appendix 1, documents have been submitted in support of this application. Key points from some of these documents include:

### Planning Support Statement:

1. The site lies immediately adjacent to the Senuna Park development, which has been developed over the last three years since consent was allowed on appeal in April 2022.
2. That development was allowed by the Planning Inspector largely on the basis that North Hertfordshire Council could not demonstrate a five years supply of deliverable housing sites, and therefore the local plan was out of date and the presumption in favour of sustainable development was engaged.
3. This is still the case now, and a new Local Plan has not been progressed to any significant stage.
4. In addition to providing new housing to meet housing need, the Inspector stated that “the site was a relatively short drive and walk from the centre of Ashwell, and so village facilities are likely to be accessible to a range of residents, and it would also bring socio-economic benefit during and after construction through custom for local facilities, businesses and services, which would contribute towards sustaining them, including through new bus stop provision.”
5. The Inspector considered the tilted balance under the National Planning Policy Framework, and approved planning consent.
6. Since approval the development has been built and construction is approaching completion, demonstrating that new housing development in this location is deliverable within five years once approved.
7. This application has been prepared on the basis that there is still a significant undersupply of new homes in the district, and the number of new homes needed into the future has been increased significantly by the governments new standard method for calculating future housing supply.
8. Ashwell village is a sustainable settlement, the centre of which is constrained from new development by a Conservation Area. The application site is considered well-located to the village, in terms of walking, cycling and by public transport, but is not within any area of constraint that would prevent consideration under paragraph 11 of the NPPF.
9. In terms of landscape impact, when compared with the open, expansive nature of the surrounding agricultural landscape to the east and south, the site’s boundary vegetation provides a high level of containment.
10. The design of the proposals, have been landscape-led and provide a high-quality development meeting both open market and affordable housing need and additional benefits to the local area.
11. The application site is within walkable distance of the main facilities and as such is considered a sustainable location for new residential development, being similar in these terms to the Senuna Park development that the site lies adjacent to on Station Road.
12. A new bus stop, on Station Road, is currently being delivered by the adjacent Senuna Park development, approximately 350 metres from the site’s existing access, and will improve access from the application site to the local bus network.
13. The site lies wholly within Flood Zone 1 on the Environment Agency’s Flood Zone Maps, representing an area at the lowest risk of flooding. All other forms of potential flooding are considered to be low-risk at the site.
14. Integral to the development are extensive landscaping proposals, that also feature significant ecology and biodiversity improvements. The Biodiversity Net Gain Report demonstrates a 52% net gain in habitat units and a 16.87% net gain in hedgerow units, which are significant improvements above the required 10%.
15. The proposal includes changes to the site access and Station Road showing the proposed site access with a 2-metre wide footway into and through the site, and the relocation of the 30mph speed limit approximately 120 metres to the east of the access, in the form of a gateway feature, encouraging lower vehicle speeds on

approach to the village and enhancing the overall highway safety in the area for new and existing residents.

16. The Transport Statement details that based on a trip generation and distribution assessments, the development will not have a significant impact on the operation of the local highway network.
17. We acknowledge that the site is located outside of the existing settlement boundary of Ashwell, and that development would likely be considered contrary to relevant policies in the Local Plan relating to the site location. However, the application acknowledges that much of the Local Plan is considered to be out of date due to the Council's inability to demonstrate a deliverable supply of housing land, and therefore the presumption in favour of sustainable development is engaged.
18. Based on the considerations of the importance of the proposals benefits and the lack of any substantial adverse impacts, the presumption in favour of sustainable development means that the application should be approved.

### Design and Access Statement

1. The design of the houses and their proposed materiality has been carefully considered with reference to the varied age and style of the built form in and around the village and to compliment the new development to the east.
2. The development ensures the regularity and uniformity associated with suburban estate type development is avoided and combined with the integral landscape proposals and open spaces, will create an attractive, organic arrangement that will form an appropriately soft transition between the village and the surrounding open, rural landscape
3. Proposals include a play space, sited centrally towards the southern site boundary, surrounded by trees, which provides a visual break in filtered views of proposed built form along this edge.
4. A central green space softens the interface between proposed properties and Millennium Wood and provides a valuable area of public open space.
5. To the north-west of the site, where a localised depression in the landform is shared with the adjacent Senuna Park development, a series of attenuation basins are proposed within an open green space complemented by new tree planting. This reflects the adjacent green space that will be delivered as part of the proposals for Senuna Park, creating a natural extension to the preceding development.
6. The landscape proposals for the site are comprehensive. In addition to providing a positive aesthetic whilst assimilating the development into its village edge setting, a key objective for the landscape proposals was to enhance the biodiversity of the site by improving the existing woodland and boundary hedgerows and introducing new tree and hedgerow planting, wildflower meadow areas and marginal and aquatic plants to the pond area. With the exception of a limited number of ornamental trees within garden areas, the landscape proposals focus on the provision of appropriate native species.
7. The site is bisected by a rectilinear belt of mixed species tree planting (Millennium Wood), which was planted by a previous landowner over 25 years ago, at a time when government grants were available for such projects.
8. The woodland comprises a mixture of circa 6 to 10m high native and non-native, deciduous and evergreen (conifer) tree and shrub species and is protected by a stockproof fence.
9. The woodland is not considered to be wholly consistent with the character of the wider landscape by virtue of the species mix and rectilinear form. As part of the approved proposals for the adjacent development at Senuna Park there will be improvements made to Millennium Wood, including new woodland planting to create a more organic form to the western end of the woodland.

10. Given the open, expansive nature of the surrounding agricultural landscape to the east and south, the site's boundary vegetation provides a comparatively high level of containment.

### 4.3 Key Issues

- 4.3.1 The key issues to be considered in this application is the delivery of 36 new homes on land outside of the settlement boundary, and whether the planning benefit of this outweighs any identified harms from the development. Therefore, the principle of the development, layout, design, highway matters, parking, impact in the landscape, ecology, affordable housing provision and other S106 contributions are discussed below and a conclusion in the planning balance is reached.

#### Principle

- 4.3.2 Local Plan Policy SP1 sets out that the Local Plan supports the principles of sustainable development within North Hertfordshire and that we will maintain the role of key settlements within the District as the main focus for housing, employment and new development. Policy SP2 supports this aim by setting out that the Local Plan makes provision for 13,000 new homes over the plan period with new homes 'allocated' to the towns and villages in the District. Policy SP5 sets out that we support the principle of the Green Belt and recognise the intrinsic value of the countryside. As a result, Rural Areas beyond the Green Belt are protected as criteria d) of Policy SP5 states that we will operate a general policy of restraint in Rural Areas beyond the Green Belt. Supporting this Policy CGB1 lists the specific types of development that are accepted in such areas. This policy states:

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

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

- 4.3.3 At the local level, this policy is supported by the ANHP ASH 1 which requires for development to be within the settlement boundary.

- 4.3.4 As set out above, the application site is for 36 new homes on land outside of the settlement boundary on land within the Rural Area beyond the Green Belt. The proposal does not meet any of the exceptions of Policy CGB1 listed above and therefore conflicts with the provisions of Local Plan Policies SP2, SP5 and CGB1 and ANHP ASH 1.

- 4.3.5 However, the Council's latest Five-Year Housing Land Supply Position Statement (November 2025) shows that the Council can only demonstrate a 2.6 year supply of deliverable housing sites for the period 2025/26 - 2029/2030, representing a shortfall of 3,347 dwellings. This means that the policies in the Local Plan, in general but specifically with regard to new housing development are considered 'out of date', even though we are still within the time period (2011 – 2031) of the Local Plan. Therefore, NPPF paragraph 11d) is relevant. This states:

*“11. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:*

*For decision-taking this means:*

*d) 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”.*

4.3.6 As set out above, in the summary section of the supporting documents submitted with the application, the application states that the developer will be able to deliver these new homes on site within five years. Therefore, I attribute significant weight to the delivery of 36 new homes in the planning balance of this application.

#### Sustainability

4.3.7 The NPPF December 2024 version, like the versions before, sets out that the purpose of the planning system is to contribute to the achievement of sustainable development and that to achieve this the planning system has three overarching objectives. These are that development must have an economic, social and environmental objective. These core aims are reflected within the Local Plan Policies SP1 and D1.

4.3.8 In considering housing applications, it is stated that the construction phase can boost the local economy with the provision of jobs and local spending at meal times meeting the economic test for sustainability and that in the future new home owners can join local clubs and groups and friendship can form between neighbours, meeting the social requirements of sustainability. In my view this is a low to moderate benefit of the proposal.

4.3.9 With regards to the location of the site, the application site is outside of the settlement boundary for Ashwell, but it is positioned close to its outside edge as the Senuna Park development adjoins the settlement boundary and this application is to the east and south of Senuna Park. As a result, there is a footpath on Station Road connecting the site into the village, and a new bus stop is being provided on Station Road, as part of the S278 works for Senuna Park. On its northern side the site connects with the trackway Small Gains. Therefore, it can be concluded that the site is in a relatively sustainable location as walking and cycling into the village is a realistic prospect from the site.

4.3.10 In terms of environmental sustainability, all new dwellings will be fitted with an EV charging point (which is a requirement of current Building Regulations) and again to meet Building Regulations all the new homes will have to be built with low flow water fittings, double glazing and high levels of insulations. The proposed site plan also shows that an Air Source Heat Pumps (ASHPs) is to be provided for each property. This is supported given the Future Homes Standards (2025) Building Regulations which have been phased in since 2022 are anticipated to mandate that all new homes meet a 75-80% reduction in carbon emissions compared to pre-2022 standards which is likely to require heat pumps and solar panels on most new homes. On this basis

the application is considered to meet environmental sustainability requirements and to comply with the requirements of Local Plan Policy D1 and ANHP ASH 6 in terms of overall sustainability objectives. In my view this is a moderate planning benefit of the proposal.

#### Layout and design

4.3.11 Local Plan Policy SP9 states that the Council considers good design to be a key aspect of sustainable development and that we will support new development where it is well designed and located and responds positively to its local context. These aims are supported by Policy D1 which requires for new development to 'respond positively to a site's local context' and ANHP ASH 4.

4.3.12 The application sets out that the design rationale for the proposal is for the frontage buildings to resemble a farmstead with the remaining dwellings then being set in a landscape led, rural / garden setting rear of this. The vehicle access for the site is utilising the existing field gate access off Station Road, and this results in an internal roadway that branches into two sections, one extending to the south-east of the wood and one to the north, transecting through the wood. Following the submission of the application, a number of layout and design concerns were raised with the agent. In summary, the concerns and the replies are:

1. Concern regarding the scale of the frontage buildings the small garden sizes.

Applicant's response:

- the 'farmyard' cluster of properties is now proposed to be in two separate blocks, so plots 5-7 and plots 8-14 are now no longer connected.
- The gardens to plots 5-7 have also been increased in size.
- Additional details have also been provided showing the bin store and cycle storage to be made available to the farmstead cluster plots.
- Plots 35 and 36, which are located opposite the main farmstead building have been reduced from two storey properties to single-storey bungalows. Following a request to remove these plots from the development, the applicant highlighted that the position of buildings in this location was a key feature of the approach to the farmstead cluster of the development. To address the concern however they have been reduced in height from two storey houses to single story bungalows.

2. Concern raised to the amount of hardstanding across the site in particular on the east side.

Applicant's response:

- Plots 25 – 27 - due to concerns regarding the amount of hardstanding around the dwellings in this area, including the footpath and pump station with parking, further consideration has been given to these three plots and the footpath to the eastern boundary that they connected with. The changes see the plots amended slightly in terms of their position and layout and in the orientation of the dwelling, which has been complemented by the removal of the substation (this has been confirmed as no longer required on site) and a decision made to remove the footpath to the east of these three plots, meaning there is no longer a need for natural surveillance to the eastern boundary in this location. All three properties now front the access road and are connected to the rest of the site via the path and road through the woodland, retaining their connection to the rest of the development.

3. Concern raised to the road going through the woodland.

Applicant's response:

- The area of trees to be removed represents as narrow a section as possible through the existing woodland. Additional planting is also proposed to replace the trees lost and the biodiversity net gain (BNG) across the site is raised by more than 50%, even accounting for the trees lost, which is a major uplift from the requirement for a 10% increase in BNG.
- Extensions to the woodland area were already proposed on its boundary in several locations consistent with the approach taken on the adjacent development site, and the removal of the footpath from the eastern section of the Wooded Edge character area of the development will also provide for further additional boundary planting in addition to that originally proposed.
- An estimate of the trees to be removed to provide the road and footway through the site, includes two dead trees, 14 beech, 5 pine, 4 oak and a sycamore tree. There is an understorey of smaller trees that do not meet the British standard at their current size to be classed as trees. Of the trees to be removed, the beech trees average 120mm in diameter, with the oaks smaller than that. The pine trees (of which there are 5) are generally larger and an average 320 mm in diameter. The majority of trees are young, with the larger pines being semi-mature.

4. Concern raised that the plots did not have clearly defined private amenity spaces.

Applicant's response:

- The Landscape Layout Plan has been updated to provide more clarity regarding the boundary treatments around each plot, which will be hedgerow of different heights to highlight the rear, side and front gardens of each plot and provide well defined boundaries. Additional detail showing pathed links from the main access to the front doors within each plot has also been added.

4.3.13 It is considered that the proposed development does have a broadly acceptable layout and design. The frontage of the site would be visible from Station Road, providing interaction with the road that would be acceptable. The scale and massing of the frontage buildings, with two plots being bungalows and the 'farmhouse' building being two storey in height, is not out of context or scale for the locality. The proposed houses are reflective in style, scale and external materials to the neighbouring Senuna Park development, so in time these two developments will appear as one co-ordinated development. The detached houses are well spaced without being wasteful of land, and the use of hedgerows to form private gardens is complementary to this rural location. A band of trees is proposed along both the east and south boundaries which will protect the landscape in views (this is discussed in more detail below).

4.3.14 With regards to the roadway going through the wood, it has been explained that this is the only option as connecting via Senuna Park is not a possibility given their SUDs drainage basin neighbours this site on its eastern edge and the legal contracts affecting that land. The application set out that 24 live trees and two dead trees will be removed for the access through the wood. However, the proposed planning drawing shows that in excess of 140 new trees will be planted on the site in addition to the hedgerows. This is considered to be suitable mitigation to compensate for the removal of the trees to allow the road through the wood. Furthermore, in time the existing trees remaining in the woodland will grow and form a canopy over the road reducing visual impact in the long term. Given the number of new trees that are proposed to be planted on the site, and the need to be able to access the top part of the site to deliver 13 houses, no objection is raised to the road going through the wood.

4.3.15 The proposed external materials for the dwellings are primarily red brick, sections of black weather boarding and a red roof tile, especially for the frontage buildings. On the detached houses some have sections of white render and some have a black roof tile. Apart from the bungalows, all the buildings are two storeys in height and are a tradition design with gables and ridged roofs. The design and external materials are complementary to Senuna Park and no objection is raised to the application on this basis. A materials condition is recommended to ensure full details are secured.

#### Landscape impact

4.3.16 Local Plan Policy NE2 sets out that planning permission will be granted for new development that respect the sensitivities of the relevant landscape character area and do not cause unacceptable harm to the character and appearance of the surrounding area or landscape character. This policy also requires that new developments consider the long term management and maintenance of existing and proposed landscaping. This is further supported by Local Plan Policy NE1 which requires that new development protects, conserve or enhances strategic green infrastructure and suitably mitigates or provides appropriate replacement to satisfactorily address any adverse impact on the strategic green infrastructure network. These aims are further supported by ANHP ASH 8 locally significant views.

4.3.17 The application is submitted with a Landscape and Visual Appraisal which assesses the impact of the development in the locality. The assessment concludes that with the exception of the woodland and boundary vegetation, which is of medium value, the landscape features of the site are considered to be of low value. It states:

*“The landscape features within the Site are limited to its boundary vegetation and internally located woodland (Millennium Wood). For the most part the existing woodland and boundary hedgerows on the Site can be retained and enhanced. Furthermore, the redevelopment of the Site provides the opportunity to deliver a comprehensive landscape scheme which would increase the quantum and quality of the landscape features on the Site. The susceptibility to the proposed change is low”.*

4.3.18 This assessment concludes that those visiting the playing fields and allotments to the north may experience limited views of the application site from close proximity, but that views are and will be limited by existing hedgerows and proposed tree planting. Nearby existing residents may see oblique views in long range views from between 300 – 450m but that the development will be seen in the context of the open fields in front with the development in the mid-view point of the view if viewed from the Sunnymead Orchard Park homes side, or rear of and part of Senuna Park if viewed from the Station Road site. The report concludes that any impact will not be adverse for either sets of nearby residents. For views within the wider landscape the report sets out that none of the views identified in the ASH 8 policy will be affected. The built form will be visible in some long-range views, but in time proposed landscaping will effectively screen the development.

4.3.19 It does conclude that there will be some medium sensitivity in views from nearby footpaths and states that views from the PRow network are generally attractive, rural, yet relatively ordinary views across farmland, with some long views from the footpaths might include built form within the village or with the surrounding countryside. The views are not recognised or acknowledge and do not have any designations that would elevate their value. The report concludes that over time as planting matures the proposed landscaping around the edges of the site will form a green buffer that will soften views of the development. The report states that the impact of the development

in the landscape will be minor-adverse in year 1 but as the landscaping grows this reduces to a negligible impact in the longer term.

- 4.3.20 This assessment has been reviewed by the Place Services Landscape team who agree with and support these conclusions and recommend no objection to the application on the basis of impact in the landscape, subject to conditions regarding hard and soft landscaping and boundary treatments and a Landscape Management Plan, which are recommended.
- 4.3.21 The layout plan for the development shows that the drainage / SUDs for this development is located on the west side of the site adjacent to the SUDs features for Senuna Park, which forms a green wedge along the west side boundary of the site and south of the wood with the open space for the play area on the south side of the site, allowing for green infrastructure to extend through the site. As set out above, extensive planting is proposed across the site, partly to screen and enhance the setting of the development so that it has a negligible impact in the landscape in the long term, and partly a mitigation for the removal of the trees in the wood to allow the access road. This is considered to be in accordance with the aims of Local Plan Policy NE2.
- 4.3.22 It is noted that the previous 2017 application was refused on the basis of harm to the character area of the open Steeple Morden landscape area 226, which is an area that is predominantly large open fields. The proposed landscape measures of this application are to enhance the field edge planting to effectively enclose the site with landscaped edges, which could be considered contrary to the landscape area.
- 4.3.23 The application site is partly open fields and partly a wood with hedgerows and trees along the site boundaries. Enhancing the tree line around the edges of the site both as a compensation for removing trees for the access through the wood and for the benefits of BNG net gain, are considered to be a benefit greater than the potential impact the additional landscaping would have on the enclosure of the site and any harm this would have on the open character of the landscape area. Therefore, no objection is raised to the application on this basis, and these measures are considered to be acceptable and the application is considered to comply with the aims of Local policies NE1, NE2 and ANHP Policy ASH 8.

#### BNG and ecology

- 4.3.24 As the application was submitted after February 2024 it is subject to the national requirement of meeting the requirements for a 10% uplift in Bio-Diversity Net Gain (BNG) on site. Local Plan Policy NE4 requires for new development to appropriately protect, enhance and manage biodiversity on site and for all development to deliver measurable net gains for biodiversity and this is supported by the ANHP ASH 10 policy. A BNG Metric, BNG Design Stage Report and Ecological Impact Assessment have all been submitted for consideration. The BNG Design Stage Report sets out:

*“Under current proposals, other neutral grassland, modified grassland, a sustainable drainage system, bioswale, developed land and vegetated garden will be created, one hundred and forty-three (143) individual trees will be planted and existing other woodland; mixed habitat will be enhanced from ‘poor’ condition to other woodland; mixed at ‘moderate’ condition. This will result in a biodiversity net gain of +52.24% (+3.42 units).*

*Under current proposals, most species-rich hedgerows with trees on site will be retained but not enhanced, with the exception of two locations which will be lost for proposed access routes, totalling 0.02 km. A further 0.090 km of species-rich native*

*hedgerows with trees and 0.315 km of native hedgerow will also be planted which will result in a biodiversity net gain of +25.54% (+1.45 units)”.*

4.3.25 The Place Services Ecology Service has reviewed this and concludes no objection to the application on the basis of ecology and BNG and subject to conditions requiring a BNG gain plan and ecology matters, both of which are recommended. On this basis, the application is considered to comply with the requirement of the national 10% BNG requirement and the aims of Local Plan policy NE4 and ANHP ASH 10.

#### Open Space

4.3.26 Local Plan Policy NE6 states that planning permission will be granted for development proposal that make provision for new and / improved open space which meet the needs arising from the development, contributes towards improving the provision, quality and accessibility of open space and incorporate any necessary open space buffers for landscape, visual and ecology reasons.

4.3.27 As set out above, a large section of the site would be open space. This is partly the wood area, partly the SUDs area and partly the play area, along with densely planted landscaped buffers on the north, east and south sides of the site. The details of the long-term maintenance provisions of the open space will be a requirement of the S106 Legal Agreement and is proposed to be under the care of a management company. No objection is raised against the proposal on this basis.

#### HoTs and affordable housing

4.3.28 Local Plan Policy SP7 requires for new development to made provision for infrastructure that is necessary in order to accommodate the additional demands resulting from the development. This is supported by Policy SP8 which requires for 33% of all new homes over the plan period to be Affordable Housing with a target, set out in Policy HS2, of new developments providing more than 25 new homes to deliver up to 40% affordable housing, with a broadly even split between smaller (1- and 2-bed) and larger (3+ bed) homes being delivered, subject to local need, with 65% of the homes being provided to be rented and 35% being other forms of affordable housing tenure.

4.3.29 The application is seeking the following S106 contributions (NB all payments are to be indexed linked). At the time of writing the applicant has agreed the HCC contributions and is proposing 14 dwellings for affordable housing contributions.

4.3.30 HCC: (NB inflation will be added along with a monitoring fee based on £420 per trigger point):

- Secondary school - £439,126.00;
- Childcare - £643.00;
- SEN education - £63,760.00;
- Library - £10,630.00;
- Youth - £7,250.00;
- Waste Recycling centre - £7,609.00;
- Waster transfer station - £10,641.00;
- Fire and Rescue - £15,451.00.
- Sustainable transport - £354,996.00

#### 4.3.31 NHDC - Affordable housing:

The Housing Officer has requested a 40% affordable housing contribution which is 14 dwellings. To meet local need it is identified that the following homes are needed:

- 5 x 1-bed flats, 3 x 2-bed houses and 1 x 4-bed (M4(3)) house for social rent; and
- 4 x 2-bed houses and 1 x 3-bed house for affordable home ownership.

The application is proposing to meet the 40% contribution by offering 14 dwellings as affordable housing, and is proposing:

- 6 x 1-bed flats all for social rent;
- 5 x 2-bed dwellings (2 x flats and 3 x houses); with one flat and two houses for social rent and two houses for affordable home ownership; and
- 3 x 3-bed houses all for affordable home ownership;

4.3.32 No dwelling is proposed to be built to M4(3) standard. The applicant has confirmed that all the dwellings will meet or exceed the Nationally Described Space standards. A schedule of offered affordable housing is attached at Appendix 3.

#### 4.3.33 Ashwell Parish Council – sports provision:

Ashwell Parish Council is seeking a contribution of £230,400.00 towards the delivery of a new Sports Pavillion. At the time of writing the applicant supports a payment towards the sport pavilion but is querying the amount. An update on this payment will be provided at the meeting.

4.3.34 The Council's Housing Officer has raised an objection to the proposed affordable housing contribution on the basis that the proposed dwellings do not meet the locally identified need, the proposed homes have parking courts for parking and not on plot parking, and the layout of the homes is with open plan living rooms (where there is a concern that children doing homework will not have a quiet space to work). The Housing Officer is also objecting on the basis that the affordable homes would be grouped at the frontage of the site with the open market homes being larger detached homes set in more spacious plots, so the proposed development will not result in a form of development that is tenure blind.

4.3.35 The applicant has confirmed that they are working in partnership with a Registered Provider who is happy with the parking layout and open plan living / dining room space. Furthermore, whilst there is an aspiration to have tenure blind development, there is currently no Local Plan policy which requires this.

4.3.36 Regarding the mis-alignment of the dwelling sizes between the requested and the proposed dwellings, this a conflict and an objection to the application. However, the Housing Officer has sought 14 dwellings, 9 for social rent and 5 for affordable home ownership, providing a total of 26 bedrooms. The applicant is offering 14 dwellings, 9 for social rent and 5 for affordable home ownership, providing 25 bedrooms. Therefore, whilst it is considered that the proposal would not fully comply with the aims of Policies SP8 and HS2 the under provision of one bedroom is considered to be a very minor objection to the application and therefore attracts limited weight in the planning balance.

### Housing mix and accessible housing

- 4.3.37 Local Plan Policy HS3 requires an appropriate range of house types and sizes be provided with the density of the development being appropriate to the location and surroundings of the development. Policy HS5 requires for a proportion of new homes on schemes of 10 or more new homes to be accessible with at least 50% of the homes built to M4(2) accessible standard and 10% to M4(3) wheelchair accessible standard. ANHP ASH 2 requires for a demand of smaller one, two- and three-bedroom homes to meet the needs for single people, young couples, small families and older people wishing to downsize.
- 4.3.38 The application does not clarify if 50% of the homes will be built to accessible standard, and the elevation plans for the new homes appear to show a standard stepped entrance. As set out above, the Council has requested for one 4-bed dwelling to be built to M4(3) standard to meet the needs of an existing family on the housing register, and this need is not being met. Furthermore, the number of detached larger homes does not meet the needs identified in the ANHP, and whilst a range of home sizes is being proposed in the development as a whole, for the open market homes, 22 new homes are proposed. These comprise 1 x 2-bed bungalow, 1 x 3-bed bungalow (these bungalows are semi-detached with each other) 18 x 4- bed detached houses and 2 x 5-bed detached houses. The proposed dwelling sizes for the open market homes are of larger sized homes and the application is in conflict with the ANHP policy seeking more smaller homes for open market sale.
- 4.3.39 In the Planning Statement, it is set out that due to the Council having a lack of a 5YLS, in accordance with the advice contained in the NPPF paragraph 11d) the policies in the Local Plan and ANHP are out of date and no weight should be given to the aspirations of the ANHP Policy ASH 2. This issue is discussed further in the planning balance section below.

### Parking and bikes

- 4.3.40 Local Plan Policy T2 sets out that new residential development needs to meet the minimum parking standards set out in Appendix 4 which is supported by ANHP ASH 20 which requires that new residential development does not to create demand for on street parking.
- 4.3.41 Appendix 4 states that a 1-bed property needs to have one car parking space whilst a 2+ bed dwelling needs two parking spaces and that at least 1 covered secure cycle space per dwelling must be provided if no garages are proposed. In addition, visitor parking must be provided with between 0.25 – 0.75 space per dwelling provided with the higher figure used when a there is no garage and the lower figure used when there is a garage.
- 4.3.42 22 parking spaces are provided for dwellings 1 – 14. This in excess of the parking standards as 8 of these dwellings are 1-bed flats. However, there is no objection to this, as it allows for visitor parking and space if a couple occupies a 1-bed flat and they both have a car. Two large bin and bike stores are provided for these dwellings. For the rest of the dwellings, with the exception of plot 35, which is the 2-bed bungalow which has on plot parking for two cars, all the houses would have a double garage and on plot parking for at least two cars, with some driveway areas being able to accommodate three or four cars on plot in addition to the garage. Two visitor spaces would also be provided and the houses could accommodate bikes in the garages. Plot 35 is close to the communal bike store for plots 1 – 14 so can utilise this but a

condition is recommended seeking an on-plot bin and bike store for plot 35. On this basis no objection is raised to the proposed parking provision for bikes and cars.

### Bins

4.3.43 Bin storage can be problematic in new developments. In 2025 the Council changed its waste and recycling collection service and each home is now allocated 5 bins (4 wheelie bins and 1 food caddy) that are collected on a 3 week timetable. Additional bags of appropriately collected waste / recycling can be collected to be put out on the right day. As a result, a large land area per dwelling is needed for waste and recycling storage. The proposed layout accommodates this requirement with a two large bin and bike stores for plots 1 – 14, and there is space on plot, by side flanks walls of the houses / garages, for each of the bungalows and detached houses for bins to be stored to the side of plots and not left out in frontages looking unsightly, which is in accordance with the aims of design policy Local Plan D1.

### Traffic impact and connectivity

4.3.44 Local Plan Policy T1 requires for new developments not to lead to highway safety problems or to cause unacceptable impacts upon the highway network. Whilst this is not supported by a similar policy in the ANHP, the ANHP does contain ASH 19 which requires for new development to provide footpaths that link with the existing network.

4.3.45 The HCC Highways officer has raise no objection to the proposal to use the existing field gate access on Station Road as the main vehicle access point and recommends no objection subject to conditions and sustainable transport contribution. He concludes:

*“The HA has reviewed the TS and considers that the proposed development of 36 dwellings, with the recommended mitigation measures, will not materially impact the operation or safety of the local highway network. This conclusion is supported by the HA’s previous acceptance of 28 dwellings and the subsequent appeal decision, making the proposal acceptable.*

*Furthermore, the site benefits from good accessibility to a wide range of sustainable transport options, offering viable alternatives to private car use. This significantly reduces reliance on private vehicles and demonstrates strong alignment with both local and national transport policies”.*

4.3.46 There is an existing footpath on Station Road, and two links to Small Gains to the north, one in this development and one in the adjoining Senuna Park development. As a result, the proposal is considered to be well connected.

4.3.47 The objection, regarding the junction at Odsey onto the A505, from Steeple Morden Parish Council is noted. This concern was passed to the HCC Highways officer who has replied (response is attached in full at Appendix 4) setting out that this development is not considered to be of sufficient size or in close enough proximity to the A505 junction to have an adverse impact on it, and therefore requesting a contribution to upgrade the junction would not be reasonable.

4.3.48 The application is therefore considered to comply with the provisions of Local Plan Policy T1 and connectivity aspirations of ASH 19.

## Flood risk

- 4.3.49 Local Plan Policies NE7 and NE8 require for new developments to meet their drainage needs by using the most appropriate sustainable drainage solution whilst ensuring that new development is located outside of medium and high risk (flood zone 2 and 3) flood areas and other sources of flooding. The application sets out that this land is within flood zone 1, which is the lowest risk of possible flooding. The concern from the HCC LLFA team regarding potential flood risk in the northern part of the site is noted. As set out above, the application is currently under a technical objection response from the HCC LLFA team, and at this time the additional information submitted by the applicant to overcome this, is still being considered by that team. I see no reason why this objection cannot be addressed and the application is being recommended on this basis.
- 4.3.50 A SUDs basin is located on the west side of the site, alongside the SUDs basin for Senuna Park. This will provide for a large, green open area for the benefit of all residents as well as meeting the requirement for drainage to be sustainably treated on site. The application is therefore considered to comply with the provisions of these two Local Plan policies.

## **4.4 Conclusion and Planning balance**

- 4.4.1 As set out above, this proposal conflicts with Local Plan Policies relating to the location of residential development. Specifically, the site is located outside of the village settlement boundary within the Rural Area Beyond the Green Belt, S106 HoTs are not fully agreed, and whilst the application is proposing 40% affordable housing, it would not fully address locally identified need. The proposal would also not fully meet the locally identified need for smaller dwellings sizes and would not provide a wheelchair accessible 4-bedroom home for affordable housing. Individually I give each of these objections moderate weight in the planning balance.
- 4.4.2 The NPPF paragraph 11d) directs that when an LPA is behind in its delivery of new homes, significant weight has to be given to the benefit of providing new homes. 36 new homes, with 14 dwellings for affordable housing, is considered to be significant benefit. The adverse impacts identified do not significantly and demonstrably outweigh the benefits that would arise from the delivery of the proposed housing. As a result, the application is therefore recommended for approval, subject to the recommendation below.

## **4.5 Alternative Options**

- 4.5.1 None applicable

## **4.6 Pre-Commencement Conditions**

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

## **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance

with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

## 6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following resolutions:

1. The receipt of a no objection response from the LLFA and the imposition of any conditions delegated to the Development and Conservation Manager;
2. The agreement of the sports pavilion payment delegated to the Development and Conservation Manager;
3. The completion of a S106 legal agreement for the HoTs as set out above and the inclusion of the sports pavilion contribution, all indexed linked;
4. An extension of time as required to address the above; and
5. The conditions and informative as set out below:

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

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

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

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

3. 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. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication BS 5837:2012 Trees in relation to design, demolition and construction.

The soft landscaping plan should include plant species, number, density, location and sizes of the proposed planting. The planting specification should provide details of tree planting pits, green roofs, planting preparation and establishment operations.

We would recommend an alternative to plastic guards, such as the use of perimeter protective fencing where appropriate, or guards manufactured from 100% biodegradable materials.

The hard landscaping plan should include details of specific materials, colours and finishes of paved or otherwise hard surfaces, built features and street furniture. The plans should clearly show the position of any new fencing and hard surfaces in relation to existing and proposed planting.

Reason: In the interests of visual amenity and the character and appearance of the area. This condition is required to be agreed prior to the commencement of any development to ensure matters of tree and hedgerow protection are secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage, there is an unacceptable risk of loss and damage to important trees and hedgerow that would result in harm to amenity. Local Plan Policies D1 and N2.

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

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.

6. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan for a minimum of 5 years. This should include:

- a) Drawing/s showing the extent of the LMP i.e. only showing the areas to which the LMP applies, areas of private ownership should be excluded.

- b) Written Specification detailing:

- o All operation and procedures for soft landscape areas; inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter, removal of temporary items (fencing, guards and stakes) and replacement of failed planting.
- o All operations and procedures for hard landscape areas; inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges, and painted or finished surfaces.
- o Furniture (Bins, Benches and Signage) and Play Equipment.
- o All operations and procedures for soft landscaping to SuDS features; inspection of linear drains, basins and swales, removal of unwanted vegetative material and litter, including inlets and outlets.

- c) Maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.

- d) Mechanism for monitoring and review of the management plan and operations.

Reason: To support plant establishment and ensure appropriate management is carried out and to maintain functionality and visual aesthetic. Local Plan Policy NE4.

7. Prior to the first occupation of the first dwelling hereby approved, details of the Air Source Heat Pumps shall be submitted to the LPA and approved in writing and installed on site (for each dwelling).

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

8. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment Report (aLyne, November 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

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

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

10. A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of precautionary working method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

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

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

Reason: To conserve protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

11. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal and Ground Level Tree Assessment v003 (aLyne Ecology Ltd., October 2025) and BNG Design Stage Report V005 (aLyne Ecology, December 2025), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024, s40 of the NERC Act 2006 (as amended) and Policy NE4: Biodiversity and Geological Sites North Hertfordshire Local Plan 2011-2031.

12. Prior to occupation, a "lighting design strategy for biodiversity" for areas to be lit in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where internal and external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All internal and external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

13. The development hereby permitted shall not commence (save for the access road into the development) until the proposed access has been constructed to base course construction for the first 12 metres and the join to the existing carriageway has been constructed to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.  
Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

14. Prior to occupation of the development hereby permitted, the main access road gradient of the access shall not be steeper than 1 in 20 for the first 12 metres from the edge of the carriageway, shall be constructed to a minimum of 5.5m wide with the kerb radii being 6m complete with improved footways 2.0m wide footways on both sides of the access, continuing through the site and Station Road along the frontage of the site and pedestrian crossing point with tactile paving and dropped kerbs at site access. Thereafter the access and highway improvements shall be retained at the position identified on the approved drawing.  
Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To 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.

15. Before the access is first brought into use, relocating the 30mph speed limit further east on Station Road, speed transition moved 121m east of the site access, aligning with visibility splays and ATC 85th percentile speed data to both directions shall be provided and permanently maintained as identified on the approved drawings. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

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

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

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

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

17. A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
  2. The programme and methodology of site investigation and recording as required by the evaluation
  3. The programme for post investigation assessment
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation
  7. Provision to be made for public outreach and interpretation
  8. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
- B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

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

Reason: To protect any archaeological assets. Local Plan Policy HE4.

18. Prior to the commencement of development a scheme shall be submitted for the protection of the dwellings from noise for approval in writing by the Local Planning Authority. The scheme shall be in accordance with the recommendations stated in the Mayer Brown Ltd report (Ref: 29016-RPT01-V2) dated 29th September 2025. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To protect long term amenity. Local Plan Policy D3.

19. 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:
- o A Generic Quantitative Risk Assessment
  - o A Detailed Quantitative Risk Assessment (where shown to be necessary by the General Quantitative Risk Assessment)
  - o A Remedial Options Appraisal and Remediation Strategy (where shown to be necessary by the Detailed Quantitative Risk Assessment).

All such work shall be undertaken in accordance with Land Contamination Risk Management (Environment Agency, 2023) 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 prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the Environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

20. Prior to the 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 prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the Environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

21. Prior to the commencement of development, a scheme showing the provision of fire hydrants serving the development is to be submitted to and approved in writing by the LPA and shall be installed on site prior to the first occupation of the first dwelling.

Reason: To ensure there are adequate water supplies available for use in an emergency. Local Plan Policy D1.

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

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

23. Prior to the first occupation of the first dwelling the full details of the sub-station are to be submitted to and approved in writing by the LPA and the approved details shall be constructed on site.

Reason: To ensure an acceptable visual appearance of the structure. Local Plan Policy D1.

24. Prior to its first occupation, details of a bin and bike store(s) for plot 35 are to be submitted to and agreed in writing by the LPA and shall be provided on site.

Reason: To ensure space for bins and bikes to be stored on plot. Local Plan Policy T2 and D1.

#### **Proactive Statement:**

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

#### **Informative/s:**

1. 1. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087 Option 2.
2. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
3. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087 Option 2.
4. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 Option 2 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

2. 1. 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.

2. 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.

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

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

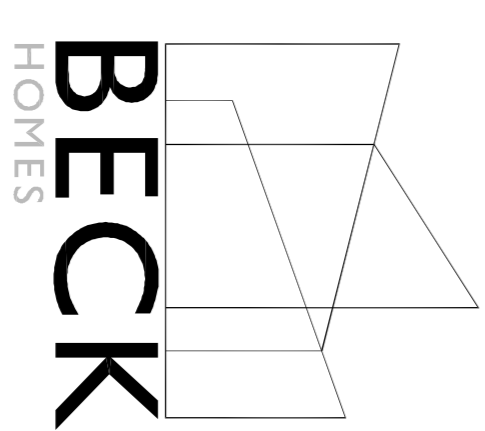
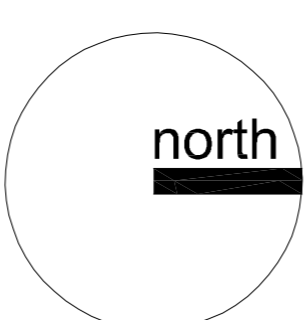
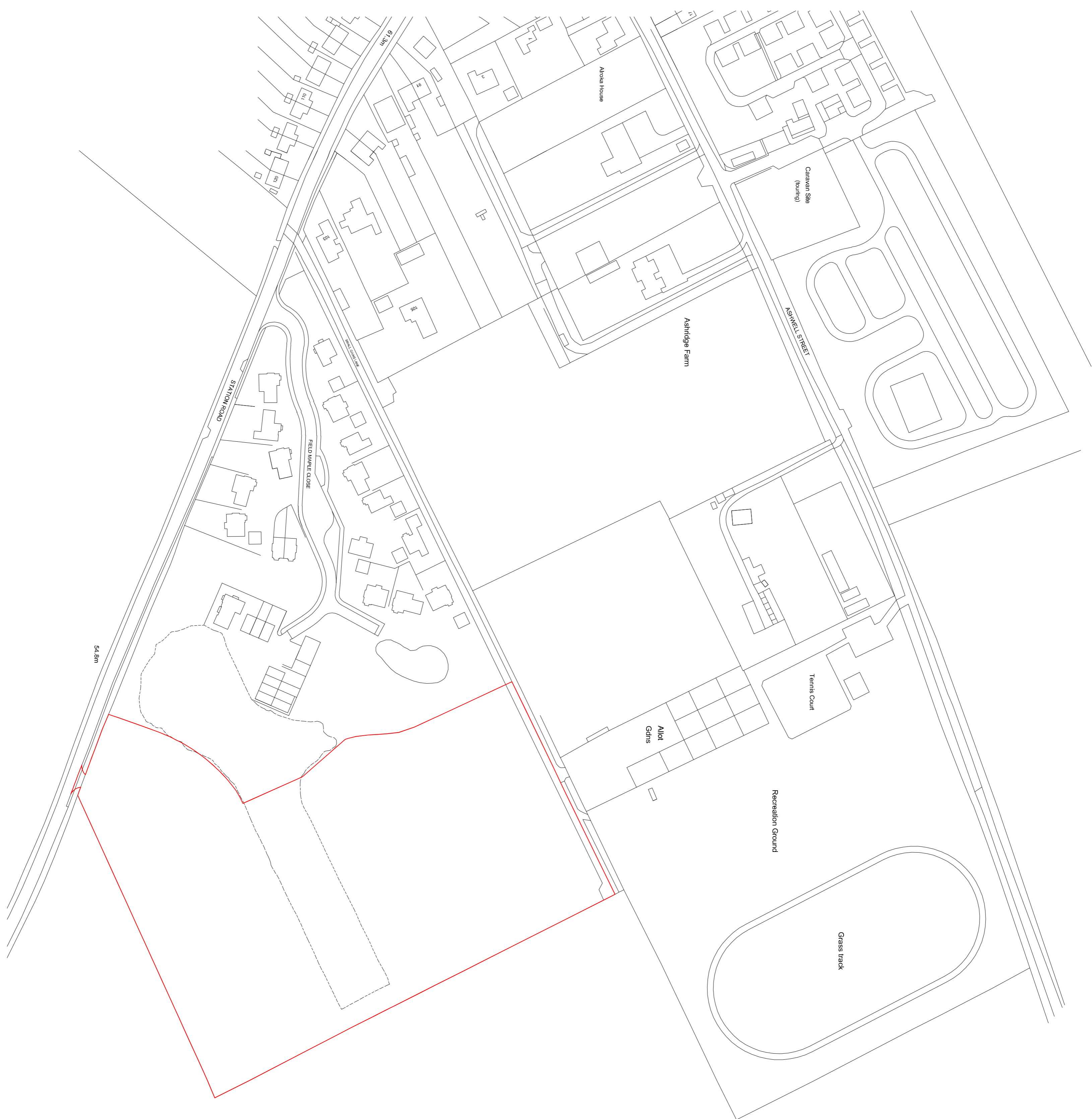
4. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same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

## 7.0 **Appendices**

7.1 There are four appendices attached to this report. These are:

1. The list of submitted plans and supporting documents.
2. Ashwell Parish Council objection.
3. The offered Affordable Housing.
4. Highways response on the view that a contribution should be sought to upgrade the junction on the A505 at Odsey.

date	revision	by	no.



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Station Road, Ashwell

LOCATION PLAN

JS Planning

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PLAN	2506-1025-ST002B (Exceedance Flow Route)
PLAN	2506-1025-ST001B (Drainage Strategy)
PLAN	2506-1025-ST050 (Private Permeable Paving Detail)
PLAN	2506-1025-ST005B (Basin Sections)
PLAN	Amended Plan Plot 25 floor plans 25-167-P26 A
PLAN	Amended Plan PLOT 26 ELEVATIONS 25-167-P29 A
PLAN	Amended Plan Plot 26 floor plans 25-167-P28 A
PLAN	Amended Plan PLOT 27 ELEVATIONS 25-167-P31 A
PLAN	Amended Plan Plot 27 floor plans 25-167-P30 A
PLAN	Amended Plan Plots 5-7 elevations 25-167-P05 A
PLAN	Amended Plan PLOTS 5-7 FLOOR PLANS 25-167-P04 A
PLAN	Amended Plan PLOTS 8-14 25-167-P52
PLAN	Amended Plan Plots 35 and 36 floor plans 25-167-P46 A
PLAN	Amended Plan WALL DETAIL PLOTS 1-14 25-167-P54
PLAN	Amended Plan M3942-PA-06-V07 Landscape Layout with Key
PLAN	Amended Plan PLOTS 35 and 36 ELEVATIONS 25-167-P47 A
PLAN	Amended Plan PLOT 25 ELEVATIONS 25-167-P27 A
PLAN	Amended Plan M3942-PA-03-V02 Viewpoint 11 Photomontages
PLAN	Amended Plan M3942-PA-02-05 Superimposed Aerial Plan
PLAN	Amended Plan M3942-PA-05-V05 Landscape Man Area Plan
PLAN	Amended Plan M3942-PA-04-V04 Artist's Impression Views
PLAN	Amended Plan M3942-PA-01-V17 Planning Layout
PLAN	Amended Plan BIN-CYCLE DETAIL 25-167-P53

<b>PLAN</b>	M3942-PA-05-V02 Landscape Management Area Plan (amended rec'd 11.12.2025)
<b>PLAN</b>	25-167-P43 PLOT 33 ELEVATIONS
<b>PLAN</b>	25-167-P42 PLOT 33 FLOOR PLANS
<b>PLAN</b>	25-167-P44 PLOT 34 FLOOR PLANS
<b>PLAN</b>	25-167-P45 PLOT 34 ELEVATIONS
<b>PLAN</b>	25-167-P48 PLOT 36 GARAGE DETAILS
<b>PLAN</b>	25-167-P49 DOUBLE GARAGE A
<b>PLAN</b>	25-167-P50 DOUBLE GARAGE B
<b>PLAN</b>	25-167-P51 STREET SCENES
<b>PLAN</b>	25-167-P41 PLOT 32 ELEVATIONS
<b>PLAN</b>	25-167-P40 PLOT 32 FLOOR PLANS
<b>PLAN</b>	25-167-P39 PLOT 31 ELEVATIONS
<b>PLAN</b>	25-167-P38 PLOT 31 FLOOR PLANS
<b>PLAN</b>	25-167-P37 PLOT 30 ELEVATIONS
<b>PLAN</b>	25-167-P36 PLOT 30 FLOOR PLANS
<b>PLAN</b>	25-167-P35 PLOT 29 ELEVATIONS
<b>PLAN</b>	25-167-P34 PLOT 29 FLOOR PLANS
<b>PLAN</b>	25-167-P33 PLOT 28 ELEVATIONS
<b>PLAN</b>	25-167-P32 PLOT 28 FLOOR PLANS
<b>PLAN</b>	25-167-P01 LOCATION PLAN
<b>PLAN</b>	25-167-P02 PLOTS 1-4 FLOOR PLANS
<b>PLAN</b>	25-167-P03 PLOTS 1-4 ELEVATIONS
<b>PLAN</b>	25-167-P06 PLOT 15 FLOOR PLANS
<b>PLAN</b>	25-167-P07 PLOT 15 ELEVATIONS
<b>PLAN</b>	25-167-P08 PLOT 16 FLOOR PLANS
<b>PLAN</b>	25-167-P09 PLOT 16 ELEVATIONS
<b>PLAN</b>	25-167-P10 PLOT 17 FLOOR PLANS
<b>PLAN</b>	25-167-P11 PLOT 17 ELEVATIONS
<b>PLAN</b>	25-167-P12 PLOT 18 FLOOR PLANS
<b>PLAN</b>	25-167-P13 PLOT 18 ELEVATIONS
<b>PLAN</b>	25-167-P14 PLOT 19 FLOOR PLANS
<b>PLAN</b>	25-167-P16 PLOT 20 FLOOR PLANS
<b>PLAN</b>	25-167-P17 PLOT 20 ELEVATIONS
<b>PLAN</b>	25-167-P18 PLOT 21 FLOOR PLANS
<b>PLAN</b>	25-167-P19 PLOT 21 ELEVATIONS
<b>PLAN</b>	25-167-P20 PLOT 22 FLOOR PLANS
<b>PLAN</b>	25-167-P21 PLOT 22 ELEVATIONS

<b>PLAN</b>	25-167-P22 PLOT 23 FLOOR PLANS
<b>PLAN</b>	25-167-P23 PLOT 23 ELEVATIONS
<b>PLAN</b>	25-167-P24 PLOT 24 FLOOR PLANS
<b>PLAN</b>	25-167-P25 PLOT 24 ELEVATIONS
<b>PLAN</b>	25-167-P15 PLOT 19 ELEVATIONS
<b>SUPP</b>	BNG METRIC (PDF VERSION)
<b>SUPP</b>	BNG DESIGN STAGE REPORT_006_CG_JB_04 03 2026
<b>SUPP</b>	ECOLOGICAL IMPACT ASSESSMENT_002_CG_04 03 2026 (redacted)
<b>SUPP</b>	Flood Risk Assessment Rev A (amended rec'd 11.12.2025)
<b>SUPP</b>	2506-1025-ST001A (Drainage Strategy) (amended rec'd 11.12.2025)
<b>SUPP</b>	2506-1025-ST002A (Exceedance Flow Route) (amended rec'd 11.12.2025)
<b>SUPP</b>	2506-1025-ST005A (Basin Sections) (amended rec'd 11.12.2025)
<b>SUPP</b>	2506-1025-ST050 (Private Permeable Paving Detail) (amended rec'd 11.12.2025)
<b>SUPP</b>	11539 TN01 Rv3 – Utilities Assessment (amended rec'd 11.12.2025)
<b>SUPP</b>	BNG Design Stage Report_005_CG_02 12 2025 (amended rec'd 11.12.2025)
<b>SUPP</b>	BNG metric PDF Version (amended rec'd 11.12.2025)
<b>SUPP</b>	Design and Access Statement (amended rec'd 11.12.2025)
<b>SUPP</b>	Landscape and Visual Appraisal (amended rec'd 11.12.2025)
<b>SUPP</b>	Redacted Ecological Impact Assessment
<b>SUPP</b>	Energy and Sustainability Statement
<b>SUPP</b>	BNG metric (PDF version)
<b>SUPP</b>	M3942-PA-02-V02 Superimposed Aerial Plan
<b>SUPP</b>	Informative – Artists Impression Views 1-4
<b>SUPP</b>	Informative – Viewpoint 11 Photomontages
<b>SUPP</b>	DRAWING REGISTER 25-167-DR01
<b>SUPP</b>	Planning Support Statement
<b>SUPP</b>	Deliverability Statement
<b>SUPP</b>	Affordable Housing Statement
<b>SUPP</b>	Utilities Assessment – 11539 TN01 Rv2

<b>SUPP</b>	Tree Survey Constraints Plan – 11608
<b>SUPP</b>	Site Investigation – Desk Study – J25154 Rev1
<b>SUPP</b>	Outdoor Lighting Report 26510-A-01A
<b>SUPP</b>	Outdoor Lighting Plan (s.38) 26510-D-01A
<b>SUPP</b>	Outdoor Lighting Plan (private) 26505-D-01
<b>SUPP</b>	Noise Impact Statement 29016-RPT01-V2 30092025 42
<b>SUPP</b>	Landscape Visual Appraisal M3942-LVA-25. 10-01-V3
<b>SUPP</b>	Flood Risk Assessment 2506 1025
<b>SUPP</b>	BNG Design Stage Report _003_CG
<b>SUPP</b>	Arboricultural Impact Assessment – 11608
<b>SUPP</b>	Arb Method Statement Tree Protection Plan – 11608
<b>SUPP</b>	Air Quality Assessment – 29016 – Rev 2
<b>SUPP</b>	Archaeological DBA P25-231
<b>SUPP</b>	DAS
<b>SUPP</b>	Transport Statement

To: Anne McDonald – Development Management Team Leader  
cc: NHC Planning Control

4<sup>th</sup> December 2025

Dear Anne,

### **Introduction**

This document forms Ashwell Parish Council's (APC's) response to planning application 25/02547/FP, Land off Station Road, Ashwell.

In this document APC has put forward arguments and provided analysis related to the above application solely in support of its position (that planning permission should be denied). It is aware that North Herts Council's planning team will be familiar with the points being made and the underlying policy. APC has no wish to guide or instruct North Herts Council (NHC).

### **Application description**

Residential development of 36 no. dwellings including creation of vehicular access off Station Road, associated parking, drainage, amenity space and landscaping.

### **Application Site**

The application site lies to the southeast of Ashwell, a Local Plan 'category A' village. It is outside the settlement boundary as defined in both the Local Plan and the Ashwell Neighbourhood Plan (ANP). The site forms an area of transition between the built area adjacent to Station Road and open countryside that rings the village. It is clearly visible when approaching from the direction of the railway station.

To the west is a scheduled monument comprising five ring ditches, probably the visible remnants of a number of Bronze Age barrows.

### **Planning history**

The application extends the recently built development of 28 dwellings bordering Station Road. This original development was the subject of two applications: 17/01406/1 and 20/0370/FP, which were refused by NHC. Both decisions were appealed, the second being allowed.

The ANP, made in December 2021 postdated the first appeal and does not appear to have been taken into account in the second, which was decided on 22 March 2022.

### **Applicant's position**

The applicant's justification for the application is that North Hertfordshire Council cannot demonstrate a five-year supply of deliverable housing sites. Therefore the Local Plan is out of date and the presumption in favour of sustainable development is engaged (the 'tilted balance'). The applicant also claims that ANP policies do not apply.

### **Ashwell Parish Council's position**

APC objects to the application.

It considers that the adverse impacts of granting planning permission would significantly and demonstrably outweigh benefits. It does so by reference to the NPPF, and also to the Local Plan and Ashwell Neighbourhood Plan, which it maintains are both relevant.

The first part of the objection refers to the Local Plan and ANP, clarifying why APC understands that these policies have weight in deciding the application. Following that it gives reasons for the Parish Council's objection by reference to these policies.

### **Tilted balance and 'out of date' Local Plan policies:**

Contrary to the applicant's suggestion, engagement of the tilted balance does not mean Local Plan policies then have no weight in planning decisions. The Plan is considered 'out of date' only for the purpose of engaging the tilted balance exercise.

Furthermore, when engaged, footnote 9 to NPPF para 11(d)(ii) states that decisions must have particular regard (i.e. give significant weight) to Plan policies relating to, for example: maintaining the area's prevailing character and being sympathetic to local character and history.

APC understands that, even in the context of the tilted balance, how much weight to be attached to Plan policies remains a matter to be assessed by the decision maker in their planning judgment.

### **Ashwell Neighbourhood Plan:**

In para 4.27 of its Planning Support Statement the applicant maintains that, according to para 14 of the NPPF, the Neighbourhood Plan should have no weight because it does not contain policies and allocations to meet its identified housing requirement.

However, paras 5.7 to 5.9 of the ANP provide sound justification to show that its remaining housing requirement for the relevant period (i.e. 2011-2031) is zero. This conclusion has been examined and approved by the appointed inspector and the ANP has been made. The scrutiny applied when making it excised any policy statements that were not consistent with the NPPF, Local Plans and other planning policies.

It would be absurd for the ANP to specify an allocation of zero homes, located nowhere, simply to make compliance with para 14 of the NPPF explicit and more obvious.

Consequently APC maintains that both NPPF sub paras 14(a) and (b) apply and, "*... the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.*"

## Reasons for objection

APC objects to the application for the following reasons:

### ■ The development is outside the settlement boundary

The application is for a site that lies in 'Rural Area Beyond the Green Belt' which the Local Plan treats in a similar way to Green Belt. NPPF para 11(d) i. footnote 7 states that there is a strong reason refusing development in these areas.

Local Plan policy SP5(d) is a general policy of restraint in Rural Areas Beyond the Green Belt and APC notes that Local Plan Policy SP2 only supports development outside of settlement boundaries where this is supported by an adopted Neighbourhood Plan, which the ANP does not.

Being outside the settlement boundary, the application is not acceptable according to ANP Policy ASH1(A) and (C).

### ■ Housing mix

NPPF, para 63 recognises that housing built must match the size, type and tenure of housing needed for different groups in the community. Both the Local Plan and the ANP have policies to do this.

The predominance of three, four and five-bedroomed houses (72%) in this application fails to adequately meet the need for one and two-bedroom properties in ANP policy ASH2(A)(ii).

Nor is it likely to provide a significant proportion of one, two and three-bedroom properties at lower quartile cost as supported by ANP policy ASH2(C). Note this policy does not refer to affordable housing (whose availability is restricted to a narrow range of applicants), which is separately addressed in ANP policy ASH2(C).

While Local Plan policy HS3(a) and its clarification in para 8.21 consider that a suitable mix is, "*On most suburban and edge-of-settlement sites... an initial assumption of 60% larger (3+ bed)*", this application is well in excess of that proportion, is not suburban and is outside the settlement. Additionally the policy is clearly enhanced by adopted ANP policies. These policies recognise a need in Ashwell and in a large part of the wider district for homes for older downsizers and the young entering the housing market.

### ■ Local character, the natural landscape and significant views

The proposed development adds a further element of suburbanisation into the landscape, up to the point where it would be excessively intrusive. On two sides there is open farmland with extensive views. On one side there is a nearby village with diverse built forms and on one a very recently built, similar but smaller development. The attempts proposed to mitigate or hide the out-of-place construction, i.e. by planting and landscaping, are out of character with the area's open fields and extensive views. As stated in ANP para 7.4, "*The wide open fields that characterise the outer parts of the parish play an important role in its character... The views of the village from the main approaches need to be recognised and protected.*"

The NPPF requires planning policies to take local circumstances into account and reflect the area's character (paras 9, 135(c)) and should be developed with local communities so they reflect local aspirations (para 132). Applications should respond to local character (para 117(c)), taking into account the area's prevailing character and setting (para 129(d)). This application fails to take account of these matters.

The emphasis placed on these policies in the NPPF indicates that they are of significant weight. The Local Plan and ANP support and clarify these requirements

The application conflicts with Local Plan policy SP9 (Design and Sustainability) because it does not positively reflect and respond to the local landscape and historic character. It does not comply with NE2 (Landscape), in that it fails to mitigate harm to the surrounding area or Local Character Area. Being in a Rural Area Beyond the Green Belt means the policy SP5 of restraint applies.

This application conflicts with ANP policies ASH3(A) and (C)(i) as its out of context building fails to “*conserve and enhance*” VCA V2 or make a positive contribution to the visual impact of the village from highway and footpath approaches. The development is close to the Visual Character Area V2 as mapped in ANP Policy ASH3. The VCA’s aim is to protect the ribbon development east of the recreation area and treats it as part of the countryside.

As for policy ASH8, there would be a detrimental effect on view SVG, looking along Station Road to the village.

The application conflicts with ANP policy ASH9 in so far as it does not enhance the natural environment, ‘*Development proposals should maintain and enhance the natural environment, and retain landscape features... for the East Anglian chalkland character area and enhance the rural character and setting of Ashwell*’. As stated above the proposed development and mitigations are at odds with the open chalkland nature.

■ Design of the development in relation to village character

The application submitted is a large generic cul de sac layout that, when taken with the recent build would overwhelm the current village-style layout of roadside building, streets and small cul de sacs. It would not reflect, but dilute, the mixed and integrated character of Ashwell.

In Ashwell there is a variety of building styles that shows its development over the centuries, but no single style dominates the layout. The position of the proposed development is in a prominent location at the southeastern entrance to the village. Here, a large estate of modern suburban houses, mostly of a similar size and all of the same short period, would significantly damage the setting by creating a jarring contrast with the village and surrounding open countryside.

Local Plan policy HS3(b) states that, “*Planning permission for new homes will be granted provided that... the scheme would provide a density, scale and character of development appropriate to its location and surroundings.*”

The development’s design does not take account of the local context or reflect the character or vernacular of the area as required by ANP policy ASH3(B). As a homogenous off-the-shelf development of very similar dwellings it would fail to integrate well with its surroundings or be capable of meeting the changing needs of residents as specified in policy ASH4(A).

■ Sustainability

NPPF (para 89) requires that policy in rural locations should “... *ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.*”

The proposed development is in Rural Area Beyond the Green Belt and will have a negative effect on sustainability being almost 1 mile from the primary school and key village facilities (baker, butcher, post office, Surgery) and approx. 1.5 miles from the main line station. This means that most residents of the development would choose to drive

into the centre of the village and to the station, adding significantly to pollution, congestion and parking issues.

The Local Plan, para 4.64, states, "... outside of the defined settlements, many sites are not well located in relation to key services. On these grounds it remains appropriate to restrain the types of development allowed in the Rural Area beyond the Green Belt."

■ Environmentally sustainable design

APC is not certain what form of heating is proposed for the dwellings. However, if it is the same as in the related and adjacent 28 homes development, it will gas-based so therefore unable to exploit a low-carbon energy source.

Para 161 of the NPPF states that the planning system should support the transition to net zero, and in para 167 goes on to say, "Local planning authorities should also give significant weight to the need to support energy-efficiency and low carbon heating improvements to existing buildings..." This requirement is reflected in Local Plan policy D1(b)(iii) and is further detailed in para 9.6.

ANP Policy ASH6(A)(v) applies and para 6.30 states: "New construction should have low energy needs in line with current best practice." The application does not commit to building houses with Air Source Heat Pumps that would provide a low carbon, efficient, source of heating and hot water in line with this Policy.

If the development does not conform to these policies this could be considered to cause significant harm.

■ Providing a solution to the impact on Education provision

The application ignores the impact that an additional 36 houses will have on local education provision, the majority of which are large family sized homes.

Ashwell Primary School is already largely at capacity. The situation will not improve in the foreseeable future. Proposed developments in Baldock and school closures elsewhere are likely to place a greater demand than the current structure and facilities will be able to accommodate. The likely closure of Sandon School is predicted in July 2026. There is also an HCC plan to provide housing for children in care in Ashwell. Should a child be placed in Ashwell they would be entitled to a place in Ashwell school regardless of whether the year group is full or not as a result of their LAC status.

The SEND needs in the school have increased considerably. The school has gone from having 1-2 Children with an EHCP to now having 9 EHCPs and is likely to add 2-3 more to this in the coming months. The provision outlined within a child's EHCP is a legal requirement and comes at considerable cost to the school, costs beyond any additional funding. This therefore leads to finances becoming a strain and cuts must be made in other areas to fund this provision.

The ANP in para 10.18 states that "Planning applications should provide solutions to their impact on education provision." At present, there does not appear to be a solution in place to accommodate the impact of 36 additional dwellings.

### **Claimed benefits**

The applicant claims the following benefits for the development:

■ Contributes to housing delivery

The scheme is for 36 dwellings, large in Ashwell terms but small compared with a 2011-31 requirement of at least 13,000. It is less than the 100 considered significant in Local Plan

policy SP9(b) when applying its other policies. Therefore APC suggests the benefit is modest.

■ Provides affordable housing

The major need is for low-cost housing (i.e. lower quartile, see ANP policy ASH2(C)) rather than affordable housing, which is available only to people that meet narrow criteria. APC suggests this does not just apply to Ashwell but across the region. Therefore the provision for affordable housing is a modest benefit – a claim backed up by the inspector in the first (rejected) appeal but admittedly recognised in the second.

### **The adjacent site: views expressed by the National Inspectors in past appeals**

APC suggests the appeals regarding the adjacent Station Road site are relevant to this application because it is clearly an extension of the development that took place – essentially a there is a scheme for 64 houses split into two phases.

The first of the two applications was for 46 dwellings and was refused on appeal. The second was for 28 dwellings which was allowed on appeal.

In both previous appeals the key issues have been:

- negative effect on the countryside and
- negative effect on the character of the settlement
- the benefit in providing affordable dwellings
- NPPF paragraph 11 and the Council's inability to demonstrate a five-year supply of deliverable housing sites

At the time of the appeals the ANP either was not made or was not considered. Issues such as housing mix were not considered.

Regarding balancing the negative effects on countryside and character of the settlement against provision of affordable homes and the effect of para 11, the inspectors disagreed on their significance. This could very likely have been due to the differing sizes of the developments, 46 and 28 houses.

In this application it would seem reasonable to consider the impact of 36 to be greatly significant. Particularly in this case when there is an almost identical recent build adjacent to it. The negative impact of approving the application would have even greater significance owing to the neighbouring estate contributing to an overall impact of 64 dwellings.

### **Other Public Comments Received**

The Parish Council would also like to endorse the comments made by Mr David Short in his email to Ms McDonald dated 12 Nov 2025. Mr Short was co-author of the Ashwell Village Design Statement 2000 which was incorporated into the Ashwell Neighbourhood Plan and adopted by North Herts Council in its Local Plan. The Design Statement carries significance and weight which should be considered when deciding this Application.

### **Conclusion**

APC accepts the possibility that any one harm described in the objections may not be enough to outweigh the tilted balance in favour of development and affordable housing provision. However, when taken together, the adverse impacts would significantly and demonstrably outweigh the relatively modest benefits.

**s.106**

If NHC is minded to grant the application, APC will want to request s.106 funding in respect of this development. Such a request will follow.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sally Roberts', with a long horizontal flourish extending to the right.

Sally Roberts

**Clerk – Ashwell Parish Council**

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## STATION ROAD, ASHWELL

AFFORDABLE HOUSING SCHEDULE - REVISION B

ALL 14 PROPERTIES COMPLY WITH NDSS REQUIREMENTS



PLOT NUMBER	DESCRIPTION	TENURE	SIZE
PLOT 1	1 BED 2 PERSON GROUND FLOOR APARTMENT	SOCIAL RENT	51m2
PLOT 2	1 BED 2 PERSON GROUND FLOOR APARTMENT	SOCIAL RENT	53m2
PLOT 3	1 BED 2 PERSON FIRST FLOOR APARTMENT	SOCIAL RENT	54m2
PLOT 4	1 BED 2 PERSON FIRST FLOOR APARTMENT	SOCIAL RENT	52m2
PLOT 5	2 BED 4 PERSON MEWS HOUSE	AFFORDABLE HOME OWNERSHIP	70m2
PLOT 6	2 BED 4 PERSON MEWS HOUSE	AFFORDABLE HOME OWNERSHIP	70m2
PLOT 7	2 BED 4 PERSON MEWS HOUSE	SOCIAL RENT	70m2
PLOT 8	2BED 3 PERSON GROUND FLOOR APARTMENT	SOCIAL RENT	61m2
PLOT 9	2BED 3 PERSON FIRST FLOOR APARTMENT	SOCIAL RENT	61m2
PLOT 10	1 BED 2 PERSON GROUND FLOOR APARTMENT	SOCIAL RENT	50m2
PLOT 11	1 BED 2 PERSON FIRST FLOOR APARTMENT	SOCIAL RENT	50m2
PLOT 12	3 BED 5 PERSON MEWS HOUSE	AFFORDABLE HOME OWNERSHIP	86m2
PLOT 13	3 BED 5 PERSON MEWS HOUSE	AFFORDABLE HOME OWNERSHIP	86m2
PLOT 14	3 BED 5 PERSON MEWS HOUSE	AFFORDABLE HOME OWNERSHIP	86m2

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Hi Anne

Hope your well.

Further to our conversation on Teams yesterday, and given your request and the urgency, I prioritised this matter and worked on it last night and this morning. As I mentioned during our discussion, the conditions and requirements sought from the development by the Steeple Morden Parish Council are not considered necessary, proportionate, or reasonably related to the development, nor are they feasible or deliverable in highway terms. I have now set out these reasons in detail below. I trust these comments are robust and comprehensive, and that they will assist you at the Planning Control Committee:

Highway Authorities overall view:

Given the scale, location and impact of the proposed development (36 dwellings), the Highway Authority (HA) does not consider it reasonable, proportionate or even CIL-compliant to require the development to fund or trigger:

- Strategic improvements to the A505/Odsey junction (roundabout, signals, or similar), or Parking management schemes at Ashwell & Morden Station.

The site lies over 1.6 miles from the A505 junction, is remote from the station parking area, and the magnitude of development impact is low. A planning condition preventing occupation until such major third-party schemes are delivered fails the statutory tests for conditions and would not be supported by the HA.

1. Scale of Development and Proportionality

The proposed 36-dwelling scheme is categorised within HCC guidance as small to medium-scale residential development. Trip generation is therefore modest: Residential trip rates from TRICS normally show 6-8 two-way trips per dwelling in the peak periods. This equates to approximately 20-25 two-way AM peak trips for a 36-unit scheme.

In planning terms, this sits well below the threshold at which strategic junction alterations on the A505 would be considered necessary, directly related, or proportionate.

Under NPPF 2025, transport mitigation must be:

- Necessary to make the development acceptable,
- Directly related to the development, and
- Fairly and reasonably related in scale and kind.

A strategic junction upgrade accommodating thousands of daily movements cannot reasonably be attributed to a development generating a few dozen peak-time trips.

2. Distance and Remoteness From the A505 Junction

The site is located over 1.6 miles from the Odsey A505 junction.

In highway terms:

- The development has no physical connection to the junction.
- Impacts are highly diffused across the network before reaching the A505 corridor.
- Any increase in turning movements at the junction from 36 dwellings is negligible relative to the baseline flows.

Because of this distance:

- The development cannot be reasonably required to deliver or fund a roundabout, signalisation scheme or other major infrastructure.
- Occupation of the development cannot be tied to delivery of unrelated strategic schemes controlled by external bodies.

Such conditions fail the six tests for planning conditions (NPPF 2024), particularly reasonable, necessary and directly related.

### 3. Roadside Parking Issues at Ashwell & Morden Station

The concern regarding on-street parking at the station is acknowledged. However:

- The station lies well beyond the reasonable sphere of influence of a 36-unit housing scheme.
- The parking issues are historic, cumulative, and relate to wider rail-based travel demand, not this application.
- Any intervention, such as a residents' permit scheme, TRO restrictions, or additional station parking, constitutes a network-wide parking management project led by the District/County Council, not a development-specific mitigation scheme.

The HA's position is therefore:

It is neither reasonable nor proportionate to require the applicant to fund or deliver a parking scheme at the station as there is no direct causal relationship between the development and the existing parking issues.

Such a requirement would again fail the statutory tests for obligations and conditions.

### 4. Impact at the A505 Junction in Context of Department for Transport Guidance

While a proportion of residents will inevitably pass through the A505 junction, the relative increase in vehicular flow is extremely small.

Baseline weekday peak hour flows at the A505 junction are several thousand vehicles per hour. The development adds around 20-25 vehicles in the AM peak, dispersed among several movements. This represents well under 1% of total flows.

In accordance with DfT and IHT guidance, increases of fewer than 30 two-way peak hour trips on an existing junction rarely warrant a capacity upgrade, and do not trigger the "severe impact" test under NPPF 2024.

Therefore:

The HA does not consider the development to result in any severe residual cumulative impact that would justify refusal or require the delivery of a major off-site junction improvement.

#### 5. Responsibility for Strategic A505 Corridor Improvements

Hertfordshire's Place & Movement Guidance confirms that highway authorities deliver strategic schemes through:

- Capital delivery programmes,
- Local Transport Plan (LTP) strategies,
- A505 corridor studies, and
- Multi-party contributions, not individual small development sites.

It is therefore the responsibility of HCC, working with partners, to deliver road safety, junction, and traffic management improvements on the A505, not a 36-unit scheme over 1.6 miles away.

#### Conclusion

HCC Highways cannot support any condition preventing occupation until:

- The Odsey A505 junction is signalised, converted to a roundabout, or otherwise improved; or
- A station parking management scheme is implemented.

Such requirements are:

- Disproportionate,
- Not directly related to the development,
- Not necessary,
- Not reasonable,
- Not CIL Reg. 122 compliant, and
- Not aligned with NPPF 2024 tests of severe harm.

If you need any further clarification before finalising your report, please do give me a call on teams

Kind regards  
Senober

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<u>Location:</u>	<b>Land Between Royston Road And Cambridge Road Barkway Hertfordshire</b>
<u>Applicant:</u>	<b>Mrs Louise Simmonds</b>
<u>Proposal:</u>	<b>Approval of reserved matters (access, appearance, landscaping, layout and scale) for the erection of 140 residential dwellings with associated landscaping, highways, drainage, public open space and ancillary infrastructure pursuant to outline planning permission reference 25/02234/S73 granted 03.12.2025</b>
<u>Ref.No:</u>	25/03149/RM
<u>Officer:</u>	<b>Ben Glover</b>

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

Extension of statutory period: 17/04/2026

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

Reason for Referral to Committee: Residential development with a site area of 0.5 hectares or greater.

1. **Relevant History**

- 1.1. 26/00457/NMA - Non-material amendment to discharge of condition permission reference 24/02396/DOC (Vary wording of condition 20 to change reference to approved plan) granted on 24.01.2025 – Pending consideration at time of writing.
- 1.2. 25/02586/DOC - Details reserved by Condition 9 (Sewage Treatment Upgrades) of outline planning permission reference 18/01502/OP granted on 25.07.2023 – Pending consideration at the time of writing.
- 1.3. 25/02234/S73 - Variation of wording to Condition 3 and Condition 20 of planning permission 18/01502/OP granted on 25.07.2023 – Granted Conditional Permission on 03/12/2025.
- 1.4. 25/01759/S73 - Variation to Condition 3 and Condition 20 of planning permission 18/01502/OP granted on 25.07.2023 – Withdrawn and not proceeded with on 20/08/2025.

- 1.5. 25/00636/NMA - Vary condition 25 (fire hydrants) to allow for commencement up to slab level before a scheme is agreed (as non-material amendment to outline planning permission 18/01502/OP granted on 25.07.2023) – NMA agreed on 30/06/2025.
- 1.6. 25/00103/DOC - Details reserved by condition 24 (Phasing Plan) of outline permission reference 18/01502/OP granted 25.07.2023 – Approved on 10/03/2025.
- 1.7. 24/02858/DOC - Details reserved by condition 25 (Fire Hydrants) of outline permission reference no. 18/01502/OP granted 25.07.2023 – Refused on 12/03/2025.
- 1.8. 24/02835/DOC - Details reserved by Condition 16 (Reinstatement of verge/footway) of outline planning permission 18/01502/OP granted on 23.02.2023 – Under consideration at the time of writing this report.
- 1.9. 24/02408/DOC - Details reserved by Condition 17 (Local Transport Plan) of outline permission application reference 18/01502/OP granted on 25.07.2023 – Approved on 12/02/2025.
- 1.10. 24/02595/DOC - Details reserved by condition 10 Part A (Archaeology) of planning permission reference no 18/01502/OP granted 25.07.2023 – Approved on 12/02/2025.
- 1.11. 24/02396/DOC - Details reserved by Condition 19 (Construction Traffic Management Plan) of outline permission application reference 18/01502/OP granted on 25.07.2023 – Approved on 27/01/2025.
- 1.12. 24/01883/RM - Application for the approval of reserved matters comprising: details of the siting, design and external appearance of the development, and the landscaping of the site in respect of the approved outline planning permission ref: 18/01502/OP for the development of 140 dwellings and a new shop on the land between Royston Road and Cambridge Road, Barkway – Under Consideration at the time of writing this report.
- 1.13. 24/01994/S73 - Variation of wording to Condition 3 and Condition 20 of planning permission 18/01502/OP granted on 25.07.2023 – Appeal withdrawn on 05/09/2025.
- 1.14. 18/01502/OP - Outline application with all matters reserved other than strategic point of access onto Royston Road and Cambridge Road for the erection of up to 140 dwellings and a new shop – Granted Conditional Permission on 25/07/2023.

## 2. **Policies**

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

Policy SP1: Sustainable development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP6: Sustainable Transport

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape  
 Policy SP13: Historic environment  
 Policy T1: Assessment of transport matters  
 Policy T2: Parking  
 Policy HS1: Local Housing Allocations  
 Policy HS2: Affordable Housing  
 Policy HS3: Housing Mix  
 Policy HS5: Accessible and adaptable housing  
 Policy D1: Sustainable design  
 Policy D3: Protecting living conditions  
 Policy D4: Air quality  
 Policy NE1: Strategic green infrastructure  
 Policy NE2: Landscape  
 Policy NE4: Biodiversity and geological sites  
 Policy NE6: New and improved open space  
 Policy NE7: Reducing flood risk  
 Policy NE8: Sustainable drainage systems  
 Policy NE9: Water quality and environment  
 Policy NE10: Water conservation and wastewater infrastructure  
 Policy NE11: Contaminated Land  
 Policy HE1: Designated heritage assets  
 Policy HE4: Archaeology

## 2.2. **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

## 2.3. **Barkway and Nuthampstead Neighbourhood Plan (Referendum passed in favour of the Neighbourhood Plan on the 1st May 2025)**

Policy BN H1 Affordable Housing  
 Policy BN H2 Design and Layout  
 Policy BN H3 Sustainable Construction  
 Policy BN H4 Framework for BK3  
 Policy BN NE3 Conserve and Enhance Biodiversity  
 Policy BN NE4 Important Views  
 Policy BN HA2 Non-Designated Heritage Assets  
 Policy BN T1 Sustainable Transport Provision  
 Policy BN T2 Mitigating Traffic Impact  
 Policy BN T3 Public Rights of Way  
 Policy BN T4 Safe and Accessible Walking and Cycling Routes  
 Policy BN T5 Vehicle Parking in Residential Development

The Barkway and Nuthampstead Neighbourhood Plan was made (formally adopted) in May 2025 and therefore carries significant weight in the determination of this application. As part of the original outline permission, a masterplan and associated approved documents were also secured. While the Neighbourhood Plan has

statutory priority, the approved masterplan and outline permission documents remain a relevant material consideration and provide an important framework for assessing the Reserved Matters applications. Accordingly, both the Neighbourhood Plan and the approved masterplan have been given significant weight.

## 2.4. **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)  
North Herts Design Code SPD – Public Consultation Draft (2026)

## 3. **Representations**

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

Start Date: 15/01/2026

Expiry Date: 07/02/2026

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

Start Date: 15/01/2026

Expiry Date: 07/02/2026

### 3.3. **Neighbouring Notifications:**

24 representations have been received following public consultation. 15 are objections to the scheme and 4 are neutral. The comments can be viewed on the NHC website in full and have been summarised below:

#### Objections:

- Issues with the accuracy of the northeastern corner of the site and the location of Bridleway 018.
- Bridleway 017 should be surfaced to the correct specifications set out in the British Horse Society's Advice Note Surfaces document.
- The site layout does not reflect the existing layout of the village and differs from the approved masterplan.
- Insufficient boundary planting along the northern boundary which adjoins Newsells Stud.
- No inclusion of the shop.
- Inadequate visitor parking and unequal distribution.
- Light pollution from the development would not be in keeping with the dark skies village.
- The housing design does not reflect the historic character of Barkway.
- Visitor parking should be increased to stop excessive overflow parking on Royston Road and Cambridge Road.
- Lack of affordable housing.
- Lack of affordable housing in the eastern and northern areas.
- Affordable homes should be well integrated.
- Insufficient clarity regarding bin storage and collection arrangements.
- Status of historic village will change.
- Rural aspects of living in Barkway will not be enhanced.
- Increase in traffic, noise and visual pollutants.
- Facilities available in Barkway and minimal. Development will strain them.
- Barkway is not a prime site to start a business.

- Use of long straight lines does not create an easy on the eye flow on the main route.
- Concerns around lack of capacity at the water treatment plant.
- EV parking layout unclear.
- Southern boundary would not provide sufficient visual or acoustic buffering to the south.
- Upgraded to the A10 area required before development begins.
- No mention of lighting strategy.
- No improvement to access the bus stops close to the site.

Neutral:

- Include a condition requiring swift bricks for each dwelling.
- Lack of shop shown on plans which should be secured.

Neighbour Comments Following 14-Day Reconsult:

- Revised planting does not make any revision to the southern boundary and are species that do not promote wildlife.
- View of fences from the south.
- No revision on allocation of visitor parking.
- Does not demonstrate social integration with the village.
- Should continue hedging on Bridleway 018.

**3.4. Consultees:**

Active Travel England – No objection.

Affinity Water – No objection.

Anglian Water – No comments received.

Barkway Parish Council – Objection. Comments available in full on the NHC website.

Braughing Parish Council – No objection. Concerns raised. Comments available in full on the NHC website.

Countryside Management Service – No comments received.

CPRE Hertfordshire – No comments received.

Environment Agency – No comments received.

HCC Archaeology – No objection.

HCC Education – No comments received.

HCC Growth & Infrastructure – No comment.

HCC Highways – No objection subject to recommended conditions.

HCC Minerals & Waste – No comments received.

HCC Public Rights of Way – No objection.

Hertfordshire Public Health – No comments received.

Herts & Middlesex Wildlife Trust – No comments received.

Herts Fire & Rescue – No objection.

Historic England – No comments.

Lead Local Flood Authority – Objection to the discharge of Condition 21.

Natural England – No objection subject to mitigation.

NHC Community Development Officer – No comments received.

NHC Conservation Officer – No comment.

NHC Ecology – No objection. Subject to conditions.

NHC Environmental Health – No objection.

NHC Greenspace – No comments received.

NHC Housing Development Officer – Objection. Comments available in full on the NHC website.

NHC Leisure – No comments received.

NHC Urban Design – No objection.

NHC Waste and Recycling – No comments received.

NHS Cambridge and Peterborough – No comments received.

NHS Hertfordshire and West Essex – No comments received.

Reed Parish Council – No objection. Concerns raised. Comments available in full on the NHC website.

Sports England – No objection.

Thames Water – No objection.

The British Horse Society – No comments received.

The Water Officer – No comments received.

#### **4. Planning Considerations**

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

- 4.1.1. The application site is 7.62 ha in size and is arable land situated between Royston Road and Cambridge Road with an existing bridleway (017) running north/south through the site. Bridleway 018 runs east/west along the north site boundary with

Newsells Estate lying to the north and the Cokenach Estate off to the north east. The site is allocated for housing under Local Plan Policy SP8 – Local Housing Allocation BK3.

#### 4.2. **The Proposal**

- 4.2.1. This reserved matters application follows the grant of outline planning permission reference 25/02234/S73, which has the following description:

*‘Variation of wording to Condition 3 and Condition 20 of planning permission 18/01502/OP granted on 25.07.2023.’*

- 4.2.2. The outline application, which was varied pursuant to the above, held the description:

*‘Outline application with all matters reserved other than strategic point of access onto Royston Road and Cambridge Road for the erection of up to 140 dwellings and a new shop’*

- 4.2.3. As part of the outline application as varied, all matters were reserved save for access. This Reserved Matters application seeks approval of details relating to appearance, landscaping, layout, and scale for the erection of 140 residential dwellings with associated landscaping, highways, drainage, public open space, and ancillary infrastructure.
- 4.2.4. The application form submitted alongside the application also requested approval of Conditions 4, 5, and 21 of the parent permission (25/02234/S73). Conditions 4 and 5 are compliance conditions, which the applicant is complying with through the submission of this reserved matters application. Condition 21 has been removed from the description and is not for consideration as part of this reserved matters application. The agent has agreed to a revised description removing Condition 21 and the discharge of planning obligations from the description of development.
- 4.2.5. The 140 dwelling scheme comprises of the following market and affordable housing:

##### Affordable Housing:

56 x affordable dwellings (40%) comprising:

- 10 x 1-bed
- 24 x 2-bed
- 18 x 3-bed
- 4 x 4-bed

##### Market Housing:

84 x market housing (60%) comprising:

- 4 x 2-bed
- 47 x 3-bed
- 9 x 4-bed
- 24 x 5-bed

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

- 4.3.1. As this is a reserved matters application relating to an already approved outline permission complete with legal agreement, the discussion relates only to details which have been reserved (layout, scale, landscaping, and appearance). The access arrangements to and from the site have been secured by the outline permission.
- 4.3.2. Accordingly, the report will be structured around these headings with an added section dealing with 'other matters', such as affordable housing, ecology, sustainability.

#### Masterplan Compliance

- 4.3.3. The application is accompanied by a Masterplan Compliance Statement, as required by Condition 4 of the parent permission (25/02234/S73). Condition 4 reads as follows:

*'Concurrent with the submission of the first Reserved Matters application, and any subsequent Reserved Matter applications, a Masterplan Compliance Statement shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan Compliance Statement shall provide detailed explanation of how the proposal accords with the Masterplan Summary Report approved under application reference No. 18/01502/OP and dated March 2022, and plan numbers 1797/30/101 Rev E - Land Use Plan; 1797/30/103 Rev E - Access and Movement; 1797/30/104 Rev A - Urban Design Parameter Plan; and 1797/30/105 Rev A - Landscape Parameter Plan; 163462-002 Rev A - Alternative Royston Road Crossing Improvements (Option 2); 163462-003 Rev B - Cambridge Road Potential Gateway Feature and Foot/Cycleway Extension; 163462-008 – Indicative Pedestrian Improvements Plan; 1797/30/100 Rev G -Illustrative Masterplan. Where the proposal does not accord with a specific principle or parameter within the approved Masterplan, the Masterplan Compliance Statement must provide clear and robust justification for each departure.*

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

- 4.3.4. The requirement for a Masterplan Compliance Statement arose following the submission of application 25/02234/S73, which sought to vary Conditions 3 and 20 of the original outline permission (18/01502/OP). During the S73 application, it was accepted that the original wording of Condition 3 was overly restrictive in the scope

of an outline planning permission. It's amendment therefore necessitated the addition of a new condition requiring the submission of a Masterplan Compliance Statement. This condition gives the Local Planning Authority appropriate control of future submissions and ensures that the development envisaged by the approved outline application and associated masterplan would be satisfactorily implemented.

- 4.3.5. The purpose of the Masterplan Compliance Statement is to demonstrate the extent to which the proposal accords with the masterplan approved under the original outline permission (18/01502/OP), and to provide clear justification for any departures that were established by that original permission.
- 4.3.6. The statement sets out the design evolution of the site following several rounds of discussions with officers from the Local Planning Authority and concludes that the proposal broadly complies with the parameters established at the outline stage. The Masterplan Compliance Statement is taken into consideration throughout the report below.

#### Layout

- 4.3.7. Layout is defined in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as, *'the way in which buildings, routes and open spaces within the development are provided, situated, orientated in relation to each other and to buildings and spaces outside the development...'* Having regard to this definition, the proposed layout has been assessed against relevant policies contained within the North Herts Local Plan, the emerging North Herts Design Code, and the relevant NPPF design principles.
- 4.3.8. The layout of the site flows directly from the primary road that runs east/west through the site linking Royston Road to Cambridge Road. The primary road is also referred to as 'The Village Street'. The geometry of the primary road has evolved through discussions with the Council to adopt a more angular alignment. This primary road layout is considered to result in an improved plot efficiency and site legibility while broadly maintaining the village street envisaged at the outline stage. The primary road layout is considered compliant with Policy D1 of the Local Plan and SS01 of the emerging North Herts Design Code supplementary document.
- 4.3.9. The Village Street provides access to several secondary streets, which in turn provide access to residential lanes. The hierarchy of the primary village street, secondary streets, and residential streets is considered clear and legible. The street layout is considered to appropriately avoid the creation of dead end routes and would provide coherent east/west and north/south vehicular and pedestrian connectivity and accessibility through the site. The street hierarchy and its layout have evolved positively following discussions between the applicant and Council. The street layout is considered to broadly comply with access and movement principles set out in the outline masterplan and would comply with the provisions set out in Policy D1 of the Local Plan.

- 4.3.10. The site features two bridleways. Bridleway 017 runs north/south through the middle of the site, and Bridleway 018 runs along the northern boundary of the site before cutting into the north-east of the site. It is considered that both bridleways are adequately served by footpaths within the site. The layout of the footpaths would not detract from the existing bridleways.
- 4.3.11. It is noted at this stage that the Highways Authority have raised no objection to the proposed internal layout of roads and footpaths within the site. The Highways Authority have noted that no design and layout plans have been submitted to detail the primary road and Bridleway 017 crossing. Whilst details have not been submitted, it is considered that this can be appropriately conditioned. Therefore, a condition is recommended requiring the submission of the detailed design of the primary road (village street) and Bridleway 017 crossing.
- 4.3.12. The development is divided into three different character areas (Village Street, Residential Lanes, and Wooded Lanes). The character areas are considered to be broadly compliant with the illustrative character areas set out in the approved masterplan. The Village Street would follow the primary road through the site, the larger four and five bed properties would be located within the Wooded Lanes, as per the masterplan, and the Residential Lanes would provide a mix of two to four bed homes. It is noted that the Wooded Lanes extend along the northern edge of the site to the west side of the central north/south green space. While not part of the original masterplan, the rationale set out within the compliance statement is considered to be acceptable in this specific case.
- 4.3.13. The plot structure of the site is considered acceptable. Properties would be appropriately orientated within their context to provide natural surveillance and enhance legibility. The layout of plots within the site has evolved following negotiations while remaining broadly compliant with the masterplan documents submitted with the outline permission.
- 4.3.14. The relationship and integration of the development with the existing area is acceptable. The western edge of the site, fronting Royston Road, has evolved in line with officer recommendation. The plots that front Royston Road have been pushed closer to the existing street, removing what was previously a private driveway arrangement. Instead, plots along Royston Road will be served by parking to the rear. It is considered that this plot arrangement to the west of the site enhances the appearances of the western frontage onto Royston Road and minimises the visual impact of parking provision on locality. This would comply with Policy D1 of the Local Plan and broadly comply with SS03 of the emerging North Herts Design Code.
- 4.3.15. Plots along the eastern edge of the site are set back from Cambridge Road and separated by a landscaped buffer. This layout would mitigate the urbanisation of the site as viewed from Cambridge Road, which is currently characterised by mature trees and boundary vegetation.

- 4.3.16. The layout of the plots and their relationship with existing neighbouring properties is considered acceptable. No.9 Royston Road would be most affected by the development. However, the distance and orientation of the plots closest to No.9 are considered to be appropriate and not result in unacceptable harm to the neighbours amenity.
- 4.3.17. The layout is such that no individual building within the development would be unreasonable impacted by surrounding buildings in terms of outlook, lack of light or loss of privacy. The back-to-back distances and back-to-side distances are considered reasonable. Where there are relatively close back to side distances between dwellings, there are no relationships in the proposed layout where there would be a conflict of windows with potential for overlooking. The proposal would comply with Policy D3 of the Local Plan.
- 4.3.18. Affordable tenures have been appropriately distributed throughout the site to create a more equitable neighbourhood. The placement of affordable tenures along the central open space with direct access to the landscape is considered to be in line with BF01 of the emerging North Herts Design Code.
- 4.3.19. Each plot would benefit from private garden space that would be of adequate size in relation to their respective property type. It is noted that the majority of plots feature a detached garage pushed back into the rear garden. This feature does not align with PA03 of the emerging North Herts Design Code. While this arrangement does not fully align with PA03 of the emerging North Herts Design Code, a combination of the Design Codes emerging, limited status, and the site specific masterplan, it is considered that the garages does not rise to a level of harm to the quality of the private amenity space or the wider character of the development to justify refusal, and the overall layout remains acceptable.
- 4.3.20. The provision of open space within the site aligns appropriately with the outline permission masterplan documents. The central north/south bridleway corridor of open space has been widened to allow for the redesign of the SUDs basins that would have a maximum gradient of 1/3 to allow these spaces to feel part of the landscape and ensure safety for users of the bridleway. 'Play on the way' features would be accommodated along the bridleway corridor, and a local area of play would be provided to the south of the site and incorporate natural play equipment in line with the masterplan.
- 4.3.21. Parking within the site would be primarily provided through on-plot parking and parking courts. Where parking courts are proposed, the layout of the plots within the site would provide adequate natural surveillance to minimise the risk of anti-social behaviour. On-plot parking would be either along the sides of properties or to the front of properties. While this parking layout would result in some degree of car dominance in some areas of the site, the overall parking strategy is, on balance, considered acceptable in this case.

4.3.22. In conclusion of the above, the proposed site layout is considered acceptable. It would deliver a legible and accessible public realm through a well-designed network of vehicular and pedestrian routes and incorporate measures that appropriately design out opportunities for crime and anti-social behaviour. The level and distribution of parking within the site is not considered to result in unacceptable levels of visual dominance of vehicles, particularly along the western edge of the site and along the central bridleway corridor, and in locations where parking courts are used. Furthermore, the layout would safeguard the amenity of future occupiers and existing neighbouring occupiers. Overall, the proposed layout is considered to comply with Policies D1, D3 and T2 of the Local Plan, Policy BN H2, BN T3, and BN T4 of the Neighbourhood Plan and the core principles set out in Section 12 of the NPPF.

#### Landscaping

4.3.23. Landscaping, in relation to reserved matters applications, is defined in the Town and Country planning (Development Management procedure) Order 2015 (as amended) as: *'the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out of provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features...'*

4.3.24. This reserved matters application has been accompanied by planting plans, a surface treatment plan, a materials plan, a boundary treatment plan, and a landscape management plan.

4.3.25. The outline permission (25/02234/S73) secured access arrangements to and from the site. The applicants Masterplan Compliance Statement provides a summary of accordance between the reserved matters application and the approved outline plans, including the Landscape Parameter Plan (1797/30/105A) and the Masterplan Summary Document. At the outline stage, six landscape character areas were established (Bridleway Corridor, Newsells Edge, Village Square, Royston Road Frontage, Cokenach Woodlands, and Urban Blocks). The six character areas remain the basis for the current scheme.

4.3.26. While some amendments have been made, due to the need for an improved surface water drainage strategy, the proposed landscaping scheme set out is considered to be broadly compliant with the details set out within the masterplan submissions supporting the outline application.

4.3.27. A key variation between the original masterplan supporting the outline permission submission and the now submitted reserved matters application includes the removal of the Royston Road frontage landscape character area. This character area has been removed to allow for the widening of the Bridleway Corridor character area to accommodate redesigned SUDs basins with a shallower 1:3

gradient. Officers support these changes as it is considered that it would result in improvements to safety, integration, and visual quality.

- 4.3.28. The proposed development would deliver the following green infrastructure features throughout the site, which are considered to be consistent with the masterplan documents supporting the outline permission, or in addition to:
- A Local Area of Play (LAP) with natural play equipment.
  - A new pedestrian and cycle link connecting the south-western boundary to Royston Road.
  - Retention of the bench and linear green space along the eastern boundary.
  - 'Play on the way' features would be incorporated into the central Bridleway Corridor landscape.
  - Streets would be designed with tree planting and grass verges to soften the public realm.
  - A deer-proof fence and hedgerow along the southern boundary adjoining the reserved school site, which would soften views of the site from the south.
- 4.3.29. The retention and enhancement of the central north/south bridleway through the site is considered a significant benefit of the scheme. It would provide strong amenity value, would be appropriately connected to both sides of the development to create legibility and wayfinding, and would be benefit from natural surveillance from the properties fronting onto the central open space.
- 4.3.30. The landscaping strategy set out by the applicant would retain and reinforce existing hedgerows throughout the site. Furthermore, the development would be kept a sufficient distance from hedgerows and the boundaries, in line with the outline application, to protect the health of the vegetation.
- 4.3.31. Soft landscaping throughout the site would include native tree and shrub planting, and wildflower mixes, which would contribute to the ecology and biodiversity of the site.
- 4.3.32. A key issue for the development to address is the boundary treatment along the northern boundary of the site with Newsells Park Stud and ensure adequate measures are in place to minimise the impact of the proposal upon the neighbour to the north. The development would include a landscaped buffer along the northern boundary to mitigate the potential impact of the development on Newsells Park Stud. The buffer would include continuous tree planting and shrubs along the northern boundary. Development would be set back from the boundary as set out within the outline applications supporting masterplan documentation.
- 4.3.33. Boundary treatments are set out clearly and include ornamental hedges, particularly along the primary and secondary streets, bricked walls, estate railings, and closed boarded fencing. Public facing boundaries are considered to generally be high quality and limit the visibility of close boarded fencing. While some fencing would be visible, its visibility is considered limited, and overall, the boundary treatments throughout the site are considered to be acceptable.

- 4.3.34. Hard landscaping details are provided within the submitted Surface Treatments Plan. The materials chosen are considered coherent to their respective place within the street hierarchy and aid in differentiating between higher and lower order routes around the site. The materials would include:
- Primary Street: Black top surface to both the road and footpaths, appropriate to the streets status as the primary route through the site.
  - Secondary Streets: Shared surfaces consisting of Marshalls Keyblock Bracken block paving.
  - Residential Lanes, Driveways, and Parking Courts: Marshalls Keyblock Burn Orchre.
  - Footpaths and Bridleways: Timber edged hoggin, which would provide an appropriate hard wearing, low maintenance surface within the site.
- 4.3.35. In conclusion of the above, the proposed soft and hard landscaping scheme put forward by the applicant is considered acceptable. The proposal is considered to be of a standard that would create a positive environment for future occupiers of the development and would improve the bridleways for existing users. The proposal would comply with the local plan policies D1, D3, NE2, NE6, NE7, and NE8, Policy BN H2 and BN H4 of the Neighbourhood Plan, and the core principles set out within the NPPF.

#### Appearance

- 4.3.36. Appearance is defined in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as: *'the aspects of a building or place within the development which determines the visual impression the building or places makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture...'* Therefore, this reserved matter relates more to the appearance of dwellings and the use of materials.
- 4.3.37. The application is accompanied by a Materials Plan, Surface Treatments Plan, elevation plans for each unit type, a street scene plan, and visualisations. The applicant has also submitted Barkway Design Code Response documents for each of the three character areas within the site.
- 4.3.38. The application site sits on the northern edge of Barkway. The northern part of the village and the High Street exhibit a varied character, with a wide range of roof forms, materials, and architectural features that reflect the time in which the development took place. Close to the site are the more modern new build dwellings and mid-20<sup>th</sup> century builds. Barkway can be considered to have a varied architectural context.
- 4.3.39. The Masterplan Compliance Statement proposes a traditional townscape character drawing on elements of the Barkway's distinctive vernacular architecture and urban form. The statement sets out that homes would be well proportioned, with pitched roofs along the village street and built using locally appropriate materials such as

red brick and weatherboard. Design cues are also taken from northern Barkway, such as larger detached properties, on plot parking, privacy strips, and hedges.

- 4.3.40. As set out in the report above, the site is separated into three character areas, Village Street, Residential Lanes, and Wooded Lanes.
- 4.3.41. The Village Street would feature predominantly detached single and two storey properties to the west and small groups of two storey terraced properties to the east. Roof typologies would vary along the street scene with a mix of gables and interlocking gables. The properties along the Village Street would feature the Russell Galloway Country Stone roof tile, which is a brown clay effect tile. Facing materials on properties along the Village Street would be a mix of red brick, white render, and black weatherboard. The Village Street would also feature chimney stacks and flint panels on the brick walls that front the primary road through the site. The range of materials used along the Village Street would be used to aid wayfinding throughout the site and improve legibility.
- 4.3.42. The Village Street would incorporate a public footpath separated from the road by green verges and trees. Hedges would also heavily feature to the front of the properties along the Village Street, which would soften the appearance of the development.
- 4.3.43. The Residential Lanes would provide predominantly detached dwellings with some small groups of terraced properties. The roof typologies would consist of a mix of gabled and hipped ends. The materials would be slightly different from those used along the Village Street. Roof materials would be brown clay effect and walls would be predominantly red multi bricks. There would be less material variety to the Residential Lanes compared to the Village Street, which would help differentiate between the two character areas. The road surface would be shared between pedestrians and vehicles. The street would include green verges, trees, and hedges, which would soften the appearance of the Residential Lanes improving the site visually.
- 4.3.44. The Wooded Lanes would consist of large detached two storey dwellings. The roof typology would consist of hips, interlocking gables, and small dormer windows. Materials would include grey slate effect roof tiles, a red multi brick, and architectural features including exposed timber framing and chimney stacks. The road surface would be shared, and hedges would feature strongly to the front boundaries of properties in these Wooded Lane areas.
- 4.3.45. The development would not incorporate any street lighting. Barkway is a dark skies village and therefore street lighting has not been proposed by the applicant.
- 4.3.46. Affordable housing would be distributed across the site, predominantly as terraced clusters, with four detached bungalows also proposed. The affordable units would front prominent public spaces including Royston Road, the Bridleway Corridor, the Village Street. The affordable housing would use the same materials palette as the

market units. Parking for the affordable plots would be mainly to the rear or within parking courts, reducing visual car dominance in the street scene.

- 4.3.47. The key frontages of the site are considered to be along Royston Road, Cambridge Road, the central Bridleway Corridor, and Village Street. The development would deliver what is considered to be a coherent appearance along these frontages that appropriately reflect their location within the development and wider area. Materials are considered to be of an acceptable quality and variety with some reflection of the existing Barkway appearance. Furthermore, parking in these key frontage areas would be to the rear or to the sides of plots and views would therefore be softened by planting and reduced hard surfacing.
- 4.3.48. In conclusion of the above, it is considered that the proposed appearance of the development would be acceptable. Views of the site from both Royston Road and Cambridge Road would be acceptable through the use of appropriate materials and house typologies. Views of the development from within the site, including along the public bridleways would also be of an acceptable quality. There would be sufficient variation in unit types, materials, and planting to create a strong sense of character and public realm. The proposed appearance of the development is considered to comply with Policy D1 of the Local Plan, Policy BN H2 and BN NE3 of the Neighbourhood Plan, and the core principles set out in Section 12 of the NPPF.

#### Scale

- 4.3.49. Scale is defined in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as: *'the height., width and length of each building proposed within the development in relation to its surroundings...'*
- 4.3.50. The development would comprise predominantly of two storey dwellings with a limited number of single storey bungalows within the affordable housing mix. The development would also incorporate single storey garages. The height of the development is considered consistent with the existing village context and would be acceptable within the site.
- 4.3.51. As set out above, the Wooded Lanes would feature the larger dwellings, as set out within the outline permission. The Village Street and Residential Lanes would be a mix of dwelling types and sizes.
- 4.3.52. The edges of the development would align with the existing context. The scale of the development fronting Royston Road would be appropriate and integrate within the street scene acceptably. The development would be set back from Cambridge Road given the landscaped buffer, which would reduce the massing along that frontage.

- 4.3.53. In conclusion of the above, the proposed scale of the development would be appropriate within the context of the site. The development would generally accord with the principles set out in the outline permission. The proposal would comply with Policy D1 and HS6 of the Local Plan, Policy BN H2 and BN H4 of the Neighbourhood Plan and Section 12 of the NPPF.

#### Other Matters

- 4.3.54. **Affordable Housing:** The proposed development would provide 56 affordable housing units (40%) as required by the S106 which was agreed as part of the outline approval. The development would provide 64.3% affordable rent (36 units) and 35.7% shared ownership (20 units). The housing mix was indicative at the time of the outline submission. It is considered that the affordable housing mix, as set out in paragraph 4.3.2 of this report, is acceptable and would comply with Policy HS2 of the Local Plan and Policy BN H1 of the Neighbourhood Plan. The affordable housing would comply with the S106 agreement.
- 4.3.55. **Ecology:** The outline permission, as varied, did not secure an obligation to provide a specified biodiversity net gain, given that the permission pre-dates the mandatory obligation to provide 10% gain. It is however noted that the outline permission would result in a net gain in BNG. The application states that the site will achieve a net gain in biodiversity, in line with Policy NE4 of the Local Plan and Policy BN NE3 of the Neighbourhood Plan.
- 4.3.56. The development would include the extensive planting of trees, shrubs, and hedges throughout the site. The development would also see the introduction of a species rich seed mix to much of the public open space.
- 4.3.57. The application also sets out a commitment to providing swift bricks and hedgehog highways as standard. Details around the inclusion of bat bricks are unclear. It is considered appropriate to condition details of ecological enhancements including wildlife features within the site.
- 4.3.58. **Energy and Sustainability:** The application is accompanied by a Energy & Sustainability Strategy. The statement confirms that the development will be compliant with the relevant building regulations. No gas will be installed across the development. All private homes being served by electric Air Source Heat Pumps and underfloor heating. Every property would benefit from either a wall mounted or post mounted EV charging point. The proposal would be compliant with Policy D1 of the Local Plan and Policy BN H3 and BN T1 of the Neighbourhood Plan.
- 4.3.59. **Waste:** The application is accompanied by a Refuse Collection Plan. The plan sets out where refuse bins would be stored within plots and where the refuse would be collected. Refuse bins would all be stored in rear gardens reducing the risk of street clutter. Refuse collection points are considered an appropriate drag distance from

where the refuse bins would be stored. The Highways Authority have not raised any objection to refuse collection or refuse vehicle tracking.

- 4.3.60. **Environmental Considerations:** The Council's Environmental Health Team have raised no objection to the scheme.
- 4.3.61. The LLFA have raised an objection to the discharge of Condition 21, which originally formed part of the application. It was agreed with the agent prior to validation to have reference to Condition 21 removed and submitted for consideration separately. Condition 21 therefore does not form part of this reports consideration.

Neighbouring Objections:

- 4.3.62. Several objections have been received. Many of the comments raised have been addressed in the report above or are not directly relevant to this reserved matters application. Remaining comments have been addressed below:
- Corrected plans have been submitted correctly showing the location of the Bridleway 018 within the application site.
  - Bridleway 017 would be enhanced to 6m wide and feature a surface usable for pedestrians and equestrians. No objection has been raised to the enhancements by the Public Rights of Way Officer.
  - The absence of the shop from the plan has been noted. The applicant has confirmed that there is currently a lack of demand for the shop and they have been unable to find a willing occupier. The provision of the shop has not been secured as part of the outline permission by condition or planning obligation to be detailed or delivered by any triggers for a particular need arising from the development itself. The omission of the shop in this reserved matters application is not a reason for refusal. The reserved matters application aligns with the approved phasing plan condition and all other matters related to the outline permission (as varied), and remains compliant with policy BK3.
  - The development would provide policy compliant visitor parking within the site.
  - As this is a reserved matters application, improvements to facilities and highways outside of the site do not form part of the consideration, they were matters for the outline permission.

4.4. **Conclusion**

- 4.4.1. This application for reserved matters following from the approval of 25/02234/S73. The reserved matters seeking approval include details of layout, scale, appearance, and landscaping.
- 4.4.2. Subject to the inclusion of appropriately worded conditions, it is considered that the proposed development would be of a suitable scale commensurate to the site location to the northern edge of Barkway. It is also considered that the development would have an acceptable and functional layout for future residents and visitors to the site, would be of an appearance considerate to the site and its setting, and

would be acceptable in terms of the proposed landscaping. The proposed development is therefore considered to be in compliance with the relevant local plan policies and the core principles set out within the NPPF.

- 4.4.3. The application site is an allocated housing site in the adopted local plan and will therefore make an important contribution to the housing land supply. As the Council is currently unable to demonstrate a 5-year housing land supply, the tilted balance of paragraph 11(d) of the NPPF is engaged. The collective benefits of the development as described would be significant. Any adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 4.4.4. Where the proposed development departs or differs from that approved within the associated Masterplan Summary Document and associated plans submitted in support of the original outline permission, it is considered that the accompanying Masterplan Compliance Statement adequately justified the changes made. Furthermore, the applicant has engaged proactively with council officers in making changes to the scheme that would fall in line with much of the emerging North Herts Design Code.
- 4.4.5. Given the above, it is recommended that reserved matters be approved, subject to conditions.

## 5. **Alternative Options**

- 5.1. None applicable.

## 6. **Pre-Commencement Conditions**

- 6.1. At the time of writing, pre-commencement conditions have not yet been agreed between the Council and applicant. A written update will be provided once conditions have been agreed.

## 7. **Legal Implications**

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

## 8. **Recommendation**

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

- A) Delegate to the Development and Conservation Manager powers to (i) resolve any outstanding matters and (ii) update conditions and informatives with minor amendments as required; and

B) The conditions 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. Prior to the first occupation of the development hereby permitted the proposed all onsite car and cycle parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans (Ref: 1877-22-02-005, Rev C) and retained thereafter available for that specific use.

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

3. 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.

4. Development shall be carried out in accordance with the Landscape Management Plan prepared by idverde (dated 06/03/2026) unless otherwise agreed in writing by the Local Planning Authority.

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

5. The development hereby approved shall be constructed in accordance with the submitted Energy & Sustainability Statement prepared by Redrow, and details of the proposed air source heat pumps submitted to and approved in writing by the Local Planning prior to their installation, and the identified sustainability measures shall be maintained and retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

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 boxes in buildings/structures and hedgehog highways has been submitted to and approved in writing by the local planning authority. Swift bricks should be used where building heights allow.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with Policy NE4 of the North Hertfordshire Local Plan (2011-2031) and the National Planning Policy Framework.

7. No above slab level development approved by this application shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Authority and Public Rights of Way Officer, which show the detailed engineering designs and layout of the vehicle and pedestrian crossing and associated works concerning the crossing point between the 'Village Street' and Bridleway 017. These works shall be constructed in accordance with the approved details to the Highways Authority and Local Planning Authority's satisfaction and completed prior to first occupation of the site.

Reason: To ensure the provision of a vehicle and pedestrian crossing which is safe, suitable, and sustainable for all highway users and in accordance with Policy T1 of the North Hertfordshire Local Plan (2011-2031)

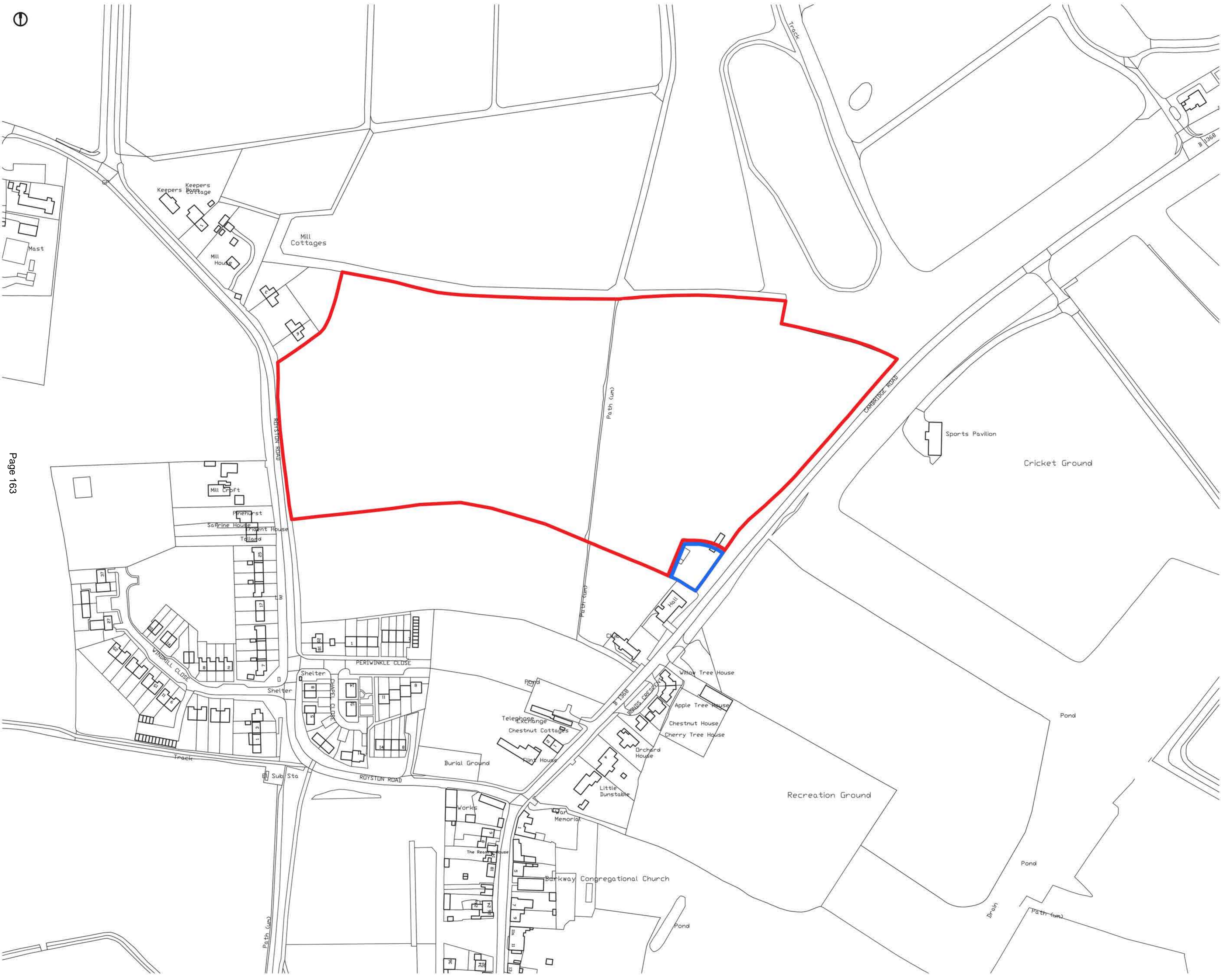
8. Notwithstanding the information submitted with the Reserved Matters application, prior to any above slab level development approved by this application, a schedule of materials to be used on all surfaces shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site.

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

Proactive Statement:

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

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- roles
- Application Boundary
  - Land within Applicants Ownership

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Revision	Date	Amendment	Initials

Development	<b>Barkway</b>
Location	Royston Road
Marketing Name	...
Drawing Title	Location Plan
Drawing Number	<b>1877-22-02-001</b>
Revision	-
Scale @ A1	1:1250
Drawn By	MG
Date Started	Feb 2024
Checked by	Date

**Redrow Homes South Midlands**  
 Redrow House, 6 Waterside Way, The Lakes, Northampton, NN4 7XD  
 Tel: 01604 601115 Web: www.redrow.co.uk

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This layout has been designed after due consideration of our Context & Constraints Plan

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**PLANNING CONTROL COMMITTEE**

**DATE: 16 April 2026**

**PLANNING APPEALS DECISION**

<b>APPELLANT</b>	<b>DESCRIPTION</b>	<b>SITE ADDRESS</b>	<b>REFERENCE</b>	<b>APPEAL DECISION</b>	<b>COMMITTEE/ DELEGATED</b>	<b>COMMENTS</b>
Mr Larry Connors	Use of land for residential caravan site for 8 gypsy families including hardstanding and existing lights (development already carried out).	Land To The West Of St Albans Road Codicote	25/00979/FP	Appeal Allowed on 04 March 2026	Delegated	The Inspector stated that dismissing the appeal would be expected to result in the gypsies and travellers currently occupying the appeal site, including a family with children, being made homeless and resorting to a roadside existence. Those households with children on the lawful site would remain in overcrowded accommodation. This would not be a good outcome for the health and wellbeing of those persons, and particularly children for whom a settled base at the appeal site would provide good access to regularly attend education at the primary school in Codicote.

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**PLANNING CONTROL COMMITTEE  
PLANNING APPEALS LODGED**

**DATE: 16 April 2026**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Chris and Claire Mortlock	27 March 2026	Two storey side extension to form annex and single storey front and rear extensions to existing dwelling following demolition of existing garage. Replacement of hanging tile to existing dwelling with a hardie plank cement based cladding in light grey.	23 The Rowans Baldock Hertfordshire SG7 6HL	26/00228/FPH	Fast track appeal service

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## Appeal Decision

Hearing held on 17 February 2026

Site visit made on 17 February 2026

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4<sup>th</sup> March 2026

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### Appeal Ref: 6000934

#### **Pulmer Water Caravan Site, St Albans Road, Codicote, Hertfordshire SG4 8SP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Larry Connors against the decision of North Hertfordshire District Council.
  - The application Ref is 25/00979/FP.
  - The development is the change of use of land for residential caravan site for 8 gypsy families including hardstanding and existing lights.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the change of use of land for a residential caravan site for 8 gypsy families including hardstanding and existing lights at Pulmer Water Caravan Site, St Albans Road, Codicote, Hertfordshire SG4 8SP in accordance with the terms of the application, Ref 25/00979/FP, and subject to the conditions in the attached schedule.

### Preliminary Matters

2. The use of the appeal land as a residential caravan site appears ongoing and there were more than 8 caravans stationed on the appeal land at the time of my visit. I have assessed the effects of the appeal development based on the details shown on the submitted drawings, which differ to the condition of the land on the ground, including in respect of the areas covered by grass.
3. I sought the views of the parties as to the correct address of the appeal site as different addresses are stated in different documents. As the appeal development would read on the ground as an extension to the existing caravan site, I have used the address from the appellant's planning application form.

### Main Issues

4. The main issues in this appeal are:
  - Whether the development would be inappropriate in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework ("the Framework").
  - The effect of the development on the openness and purposes of the Green Belt.
  - Whether the future occupants of the appeal site would be within a reasonable distance of local services and facilities.

## Reasons

### *Whether inappropriate development in the Green Belt*

5. Policy SP5 of the North Hertfordshire Local Plan 2011-2031, Adopted November 2022 (“the NHLP”) states that development will only be permitted in the Green Belt where it would not be inappropriate development or where very special circumstances have been demonstrated.
6. Although the appeal development would not meet any of the exceptions to inappropriate development in Framework paragraph 154, it should not be regarded as inappropriate development in the Green Belt provided all the criteria in Framework paragraph 155 would apply. Based on all that I have read and heard at the hearing, I am satisfied that the appeal development would accord with Framework Paragraph 155.a. as it 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.
7. The main parties dispute whether there is a 5-year supply of deliverable traveller sites in North Hertfordshire for the purposes of Framework Paragraph 155.b. The North Hertfordshire Gypsy and Traveller Accommodation Assessment, Final Report June 2024 (“GTAA”) identifies a known need for 6 pitches for gypsies and travellers, arising from existing unauthorised pitches on land at Woodside Place, Danesbury Park Road, including future household formation on that land.
8. Of those 6 pitches, the GTAA identified that 4 pitches would be needed within 5 years, and the remaining 2 would not be needed for at least 7 years due to the timing of new households forming. The need for those pitches within the 5-year period would be met through the allocation of 4 pitches on land at Woodside Place through NHLP Policy CD6. For this appeal the author of the GTAA has submitted an updated 5-year supply position for the period to 2029/2030, stating that the need remains for 4 pitches which would be met by the allocated site. The 2 pitches arising from household formation on the allocated site would not be required for at least 6 years.
9. From those documents it can be inferred that the fifth pitch, which is known to be triggered by a person’s birthday, would not be required until some point in the year 2031, and the sixth pitch later still. At the GTAA base date of January 2024, the current rolling 5-year period would end in December 2030, before the need for that fifth pitch arises. If the date of this decision was used as the base date the 5-year period would run until more or less March 2031. As most of 2031 would fall beyond that date, it is more likely than not that the need for the fifth pitch would not arise until beyond the 5-year period.
10. The deliverability of the allocated site is a matter of planning judgement to be assessed in the context of Footnote 4 to paragraph 10 of the Planning Policy for Traveller Sites (PPTS). The allocated site does not have a planning permission, albeit a temporary permission had been granted but has since expired. Nonetheless, its status as an allocated privately owned site occupied by gypsies and travellers known to the Council and interviewed in the GTAA, is a strong indicator that the site is available now and offers a suitable location for those pitches. The allocation is, on the evidence before me, deliverable.

11. Furthermore, the only sites occupied by gypsies and travellers in North Hertfordshire at the base date of the GTAA are the allocated site and the 12 pitches on land referred to during the hearing as 1a and 1b Pulmer Water. In that context, given the lack of alternative sites for gypsies and travellers it is reasonable to suppose that the occupiers of the allocated site will deliver all pitches to meet their needs within the 5-year period. That the Council is tolerating the unauthorised status of the allocated site is understandable in those circumstances.
12. As there is no requirement for absolute precision in reaching a judgement on the 5-year supply of pitches, I find that on the balance of probabilities the fifth and sixth pitches would not be needed within the next 5 years. Therefore, on the evidence before me, including all that I heard at the hearing, it is my judgement that the Council can demonstrate a 5-year supply of deliverable sites suitable to meet the known accommodation needs of gypsies and travellers in the NHLP's locally set target.
13. Consequently, there is no demonstrable unmet need for the type of development proposed in this appeal and it follows that the appeal development would not meet the terms of Framework paragraph 155.b. I therefore conclude on this main issue that the appeal development would constitute inappropriate development within the Green Belt under the Framework and the PPTS. I need not consider the appeal development against Framework paragraph 155.c. as it would not alter that conclusion.
14. Despite having been granted a temporary 5 year planning permission on appeal in 2012<sup>1</sup> for occupation by gypsies and travellers, and a second temporary planning permission for 18 months in February 2021 for a caravan site for 8 gypsy families, the GTAA does not identify the appeal site as a gypsy or traveller site. The main parties at the hearing disagreed why the GTAA did not identify a need for pitches arising from the appeal site.
15. The Council explained that the temporary permission had expired at the point of undertaking fieldwork for the 2018 GTAA, and the appeal site had either never been occupied by gypsies and travellers who met the planning definition (as it was then) or had rarely been occupied by them. The appellant's position is that the Council should have known that gypsies and travellers were living on the appeal site, or at least assumed they were, and that the GTAA is based on the out-of-date definition that excludes those persons with a cultural tradition of living in a caravan.
16. The purpose of the GTAA is to identify the objectively assessed or known need for pitches for gypsies and travellers and for that need to be met through allocating land in the NHLP. Any need arising from gypsies and travellers that are not known to the Council through the GTAA is a matter left to the planning application process to be assessed against the criteria in NHLP Policy HS7.
17. From what I heard at the hearing the Council took reasonable steps through current and previous GTAAs to survey occupants of the appeal site. However, those occupants did not engage with the Council for reasons that appear disputed. Therefore, the Council was left in the position of being uncertain if the occupation of the appeal site generated a need for accommodation for persons who met the then planning definition of gypsies and travellers.

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<sup>1</sup> APP/X195/C/11/2162956

18. Accordingly, any need from the appeal site does not form part of the objectively assessed or known need for accommodation for gypsies and travellers. Therefore, I shall deal with any need arising from the appeal site as part of my other considerations, including whether the occupants would meet the planning definition for gypsies and travellers.

*Effect on Green Belt openness and purposes.*

19. The Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Openness has spatial and visual aspects.
20. The Council describes the baseline condition of the appeal site as devoid of development save for boundary fencing. The appellant explained that it should be treated as a cleared site. I find no reasons to consider otherwise. The extent of hardstanding shown on the drawings would enable the caravans to occupy the site along with parked vehicles and paraphernalia associated with residential occupation and activity. Taking account of the appeal site's baseline condition, those elements of the appeal development would inevitably cause a modest loss of openness in the spatial dimension.
21. The appeal development would be screened in public views given the generally low heights of the elements intrinsic to its occupation as pitches. This is because the appeal site is set back from the road and screened in public views by a combination of timber fencing and tall evergreen planting along most of its boundaries, together with the nearby buildings and mobile homes, and the topography of the surrounding land.
22. Although visible from nearby residential properties, the development would read as a modest and proportionate extension to the existing caravan site in those views. Consequently, there would be hardly any appreciable loss of openness in the visual dimension or visual intrusion into the Green Belt. As the appeal development would result in some limited encroachment into the countryside when compared to the baseline condition of the appeal land, it would conflict with that purpose of the Green Belt.
23. Taking all the above into account, I conclude on this main issue that the totality of the appeal development's harm to the Green Belt through a loss of openness and encroachment into the countryside would be modest in magnitude.

*Whether the site is within a reasonable distance of local services and facilities.*

24. NHLP Policy HS7, says planning permission will be granted for accommodation for gypsies and travellers where residents can access local services within a "reasonable distance". The supporting text to the Policy acknowledges that gypsy and traveller sites are usually permissible in the open countryside in recognition of the particular difficulties they have in obtaining land within settlements.
25. This is consistent with the PPTS which gives some flexibility to locating pitches outside of settlements by setting an expectation that decision makers should very strictly limit new traveller site development in the open countryside that is "away from" existing settlements.

26. Those considerations point away from the “*reasonable distance*” test in Policy HS7 relating solely to journeys by walking and cycling, let alone the walking and cycling distances in the guidance documents<sup>2</sup> that appear to be applicable to general needs housing. I am also mindful that Framework paragraph 110 requires decision makers to recognise that rural areas should not be treated the same as urban areas when it comes to the availability of opportunities for journeys by walking, cycling and public transport.
27. There is a range of services and facilities within the settlement of Codicote, a second-tier settlement in the NHLP, including a primary school, post office, convenience shop, pharmacy, public house, church and village hall. They are located some 1.7km away from the appeal site. The closest GP Surgery is some 3.4km away in Welwyn, which is roughly at the point where the A1M motorway can be accessed.
28. The road between the appeal site and those services and facilities in Codicote is for the most part a typical narrow country lane. It is mostly lined by high hedgerows and verges, and is devoid of lighting, footways and cycle lanes, with a relatively steep gradient in places. Given those conditions all occupants of the appeal development would be heavily reliant upon journeys by private vehicles to access the services and facilities in Codicote that they are likely to frequently use.
29. The development would therefore be at odds with the guidance documents<sup>3</sup> that seek for residential development to be within certain walkable distances of services and facilities. However, as NHLP Policy HS7 does not specify whether the “*reasonable distance*” test for accessibility to services should be applied to any particular mode of travel, it is a matter of judgement for the decision maker based on site and development specific factors as to whether that test is met.
30. In this instance, vehicle journeys into Codicote from the appeal site would be across a relatively short distance and the number of trips generated by the development would be at a low level, particularly by comparison to those associated with the lawful caravan sites nearby. It follows that occupants of the appeal site will be able to access the services and facilities they are likely to use frequently within a reasonable distance of travel from their homes.
31. The appeal site is not so far away from Codicote that it should be considered as being away from the nearest settlement within the terms expressed by the PPTS. Higher order healthcare facilities and the strategic road network are not an excessive distance away.
32. For those reasons, I conclude on this main issue that the occupants of the appeal site would be within a reasonable distance of local services and facilities, consistent with NHLP Policy HS7, the requirements of which are set out above.

### **Other considerations**

#### *Accommodation needs of the intended occupants*

33. The appellant’s statement of case lists the members of his family who occupy or would occupy pitches on the appeal site, which was updated at the hearing to include details such as the number of resident children. The appellant described

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<sup>2,3</sup> Institution of Highways & Transportation and Manual for Streets

himself and his family as Irish travellers who have a tradition of nomadism and living in a caravan. They have, at times, travelled all over England and abroad to find work, with some family members currently away travelling. I am satisfied on the balance of probabilities that the occupiers of the appeal site meet the PPTS definition of gypsies and travellers, which does not require a nomadic habit of life.

34. The evidence indicates that 5 of those 8 households have occupied the appeal site for varying periods of time, one of them with 2 children. The remaining 3 households currently reside either in culturally appropriate lawful caravans on the adjacent site<sup>4</sup> or a house which is not culturally appropriate, each with between 3 and 5 children. It was explained at the hearing that they occupy overcrowded accommodation in the form of single type units with an insufficient number of bedrooms. In one case there are male and female children sharing a bedroom. Those households are waiting to move to larger units on the appeal site.
35. The evidence indicates that the lawful site accommodates more or less the maximum number of static caravans achievable under the site license. I saw that they are relatively tightly spaced, which appears to be consistent with the minimum separation distances between units that are established by the site licensing regime. Consequently, I see no basis to doubt the appellant's contention that those households with children are living in overcrowded and unsuitable conditions on the lawful site.
36. The Council and interested parties contend that the appeal development and the harms it would cause could be avoided if the appellant had properly explored options for accommodating his family on his lawful caravan site, including reducing the number of caravans to make space for larger units to meet the needs of those occupying families. However, the lawful caravan site appears to be run as a business. Apart from those gypsy and traveller households referred to above, it is said to be occupied by members of the settled community as their home. As it consists of tightly spaced rows of caravans set in somewhat austere surroundings it probably offers relatively low-cost housing to those occupiers.
37. Whilst the appellant's family members have a need for culturally appropriate accommodation and in some instances larger units, there is no binding obligation on the appellant to evict existing residents and offer those caravans to his family or reduce the number of them to accommodate larger twin units. As such, I do not regard the lawful site as being reasonably available to meet the accommodation needs of the gypsies and travellers in this appeal.

#### *Alternative sites*

38. Whilst the Council can demonstrate an up to date 5-year supply of deliverable sites for gypsies and travellers, the evidence before me shows that the intended occupiers of the appeal site need pitches now. As it is highly unlikely that those pitches in the NHLP's allocated supply would be available to them, they have an unmet need for pitches that could not reasonably be met by any available suitable alternative accommodation. It is a strong indicator of an inequality of opportunity for the gypsies and travellers in this appeal to access accommodation compatible with their traditional cultural way of life and in a suitable location. This weighs significantly in favour of the appeal.

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<sup>4</sup> Certified in 2015 ref. 13/1454/1EUD as lawful for use a residential caravan site

*Equalities, human rights and best interests of children*

39. Dismissing the appeal would be expected to result in the gypsies and travellers currently occupying the appeal site, including a family with children, being made homeless and resorting to a roadside existence. Those households with children on the lawful site would remain in overcrowded accommodation. This would not be a good outcome for the health and wellbeing of those persons, and particularly children for whom a settled base at the appeal site would provide good access to regularly attend education at the primary school in Codicote.
40. The appellant has lived at Pulmer Water all his life and spoke of children from the family attending the primary school. There is a familial relationship between the current occupiers of the appeal site and those which intend to move onto it which would allow for a high degree of mutual support which is considered necessary to the gypsy and traveller way of life.
41. The modest level of harm to the Green Belt could be avoided at the expense of several households of gypsies and travellers in this appeal being made homeless. This would represent a significant level of interference with their human rights under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. This includes the best interests of the children which is a primary consideration and caselaw has held that no other consideration is inherently more important.
42. The Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 requires me to have due regard to eliminating unlawful discrimination and to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not, and to foster good relations between them. Gypsies and travellers share a protected characteristic for the purposes of the PSED. The proximity of the appeal site to community facilities in Codicote provides opportunities for integration and fostering good relations between gypsies and travellers and the settled community.
43. Together, those considerations, including the best interests of the several children involved, weigh very significantly in favour of the appeal development.

*Suitability of the appeal site for gypsies and travellers, including PPTS paragraph 13*

44. The appeal development scores well against the criteria in NHLP Policy HS7 for developments that are not required to meet needs identified in the GTAA. The appeal site would provide its occupants with a safe, inclusive and secure environment in an appropriate location for a settled base to meet their traditional cultural lifestyle, within a reasonable distance of local services and facilities. Assessed against NHLP Policy HS7, which appears consistent with PPTS paragraph 13, the appeal site can demonstrate a strong degree of suitability for use as a gypsy and traveller site, which weighs significantly in its favour.
45. Whether the harm to the Green Belt amounts to a conflict with other development plan policies (namely Policy SP5 in this instance) and the Framework, sufficient to bring it into conflict with NHLP Policy HS7 criterion e) i., depends upon whether it, and any other planning harms, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it. I shall return to that matter in my Green Belt balance.

## Other Matters

46. The development would be successfully screened and contained within clearly defined boundaries and would not have a significant adverse effect on the living conditions of occupiers of nearby developments. There is nothing to suggest it could not be serviced with water, electricity, sewerage or waste disposal. It is material that the appeal development would not have an adverse effect on the character and appearance of the countryside, thus falling well short of the significant adverse effect needed to conflict with criterion e) i. of Policy HS7.
47. Although not a refusal reason, the Council's appeal statement contends there would not be adequate vehicle parking, turning and servicing space within the appeal site, citing a conflict with criterion e) iii. of Policy HS7. However, based on the drawings before me and my observations at the site visit, I am satisfied that there is sufficient space on the appeal site for the development comply with that criterion. No such concerns were raised in respect of the previous applications on the appeal site, and the Local Highways Authority raised no objection with regard to highway safety.
48. Although not an explicit criterion of NHLP Policy HS7, the scale of the development would read as a modest and proportionate extension to the existing caravan site. In terms of the PPTS it would not be of a scale that would dominate the nearest settled community be that Codicote or the collection of residences on and around Pulmer Water.

## Green Belt Balance

49. The development is inappropriate in the Green Belt and would result in some modest harm to openness and its purposes through encroachment into the countryside. The Framework mandates that substantial weight must attach to the totality of those harms.
50. Notwithstanding the Council's ability to demonstrate an up to date 5-year supply of deliverable sites for gypsies and travellers, the occupiers of the appeal development have an immediate demonstrable need for suitable and culturally appropriate accommodation. On the evidence before me there is no reasonably available alternative accommodation either within the Green Belt or outside of it that would meet their needs. There is nothing before me to indicate that the review or replacement of the NHLP, which it was explained at the hearing had reached the regulation 18 stage, is seeking to allocate sites to meet the needs of the gypsies and travellers in this appeal.
51. Weighing in favour of the appeal is the suitability of the appeal site for pitches when assessed against NHLP Policy HS7, together with the personal circumstances of the intended gypsy and traveller occupants of the appeal development. Dismissing the appeal would be expected to result in them being made homeless, which would interfere with their human rights, including with reference to the best interests of the children.
52. In this case, those considerations each weigh significantly in favour of the appeal development. When set against the magnitude of harm to the Green Belt, the interference with those rights would not be proportionate in this instance, and there would also be negative consequences when set against the equality objectives of the PSED.

53. Together all the above considerations are of sufficient cumulative weight to clearly outweigh the substantial weight that must be attached to the identified harm to the Green Belt by reason of inappropriateness, loss of openness and encroachment into the countryside. It is my judgement that the other considerations amount to the very special circumstances necessary to justify the appeal development even though the appellant makes no explicit case for them.
54. Consequently, as the development accords with NHLP Policy SP5 and the Framework in respect of the Green Belt there would be no conflict with NHLP Policy HS7 criterion e) i., and it would be consistent with that Policy as a whole.

### **Conditions**

55. The Council has suggested several planning conditions in the event of the appeal being allowed, which have been agreed with the appellant. I have considered them in accordance with the tests for imposing conditions set out in the Framework and the Planning Practice Guidance. Where necessary, I have amended the wording of the suggested conditions to ensure compliance with the tests.
56. As the personal circumstances of the occupiers of the appeal site is a key part of the justification for granting planning permission, it is necessary to impose a condition limiting occupation to those persons and to require the land to be restored to its baseline condition should their occupation cease. Restricting occupancy to persons meeting the PPTS definition of gypsies and travellers is unnecessary as those named occupiers meet it.
57. To control the effects of the development to those considered acceptable, including on Green Belt openness, conditions are necessary to limit the scale of the development in terms of the number of caravans and to ensure the site is laid out in accordance with details to be submitted and approved by the local planning authority. They include vehicle parking and turning space, bin storage, any boundary treatments including means of enclosure, landscaping, lighting and any CCTV columns. A condition is necessary to ensure that the development will enhance biodiversity in accordance with development plan policy.
58. Conditions securing details of foul water drainage and surface water drainage are necessary to protect the environment and manage flood risk. However, I have omitted references to the documents of third-party organisations as they are not before me and to give flexibility over the details that need to be addressed.
59. In the interests of controlling the effects on the Green Belt and the living conditions of nearby occupiers it is necessary to impose conditions prohibiting commercial activities and storage of materials, plant and machinery, and the erection of buildings and structures that I was advised by the main parties could otherwise be permitted development, including under any caravan site license. The condition need not prohibit businesses as they would be restricted by the umbrella term of commercial activities.

### **Conclusion**

60. For the reasons given above, I conclude that the appeal development is consistent with NHLP Policies SP5 and HS7, and the development plan as a whole. There are no other material considerations, including the provisions of the Framework

and the PPTS, to indicate otherwise. Consequently, the appeal is allowed and planning permission is granted, subject to the attached conditions.

*G Sylvester*

INSPECTOR

### Schedule of conditions

- 1) The use hereby permitted shall be carried on only by:
  - Jackser Connors and their resident dependents.
  - Miles and Bridget Connors.
  - Margaret Connors and their resident dependents.
  - Kathleen Connors.
  - John and Bridget Connors and their resident dependents
  - Jackser and Caroline Connors and their resident dependents
  - Archie and Ellen Connors and their resident dependents
  - Jackser and Mary Connors and their resident dependents
- 2) In the event that the site ceases to be occupied by those named in condition 1 above, the use hereby permitted shall cease and all caravans, structures, equipment and materials in connection with the use shall be removed from the site or pitch within 28 days of that date and the land restored in accordance with the details approved in condition 4.
- 3) The development hereby permitted shall be carried out in accordance with the approved Site Location Plan and Site Layout Plan, except where details are required to be submitted and approved under condition 4.
- 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of that use shall be removed within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
  - (i) Within 3 months of the date of this decision and notwithstanding the details shown on the Site Layout Plan a site development scheme (SDS) shall be submitted to the local planning authority for their written approval and shall include:
    - a) the layout of the site including the locations of the mobile homes, vehicle parking and any CCTV poles and cameras;
    - b) details of the landscaping of the site, including a planting schedule and specification consisting of species, plant sizes and numbers, and details of any boundary treatments including heights and materials;
    - c) a surface water drainage scheme including details of its maintenance and management scheme, with evidence of a viable means of discharge off site. The drainage scheme shall be effective in all storm events up to and including the 1 in 100-year event (+40%CC). Where existing drainage is to be retained, details to demonstrate it is of suitable condition and capacity shall be provided;
    - d) a scheme for foul wastewater disposal;
    - e) details of the storage of waste and recyclables;
    - f) a scheme to demonstrate that biodiversity will be enhanced over and above the baseline condition of the appeal land;
    - g) a scheme for all external lighting;
    - h) details of the restoration of the site to its condition before the development took place (or as otherwise agreed in writing by the local

planning authority) at the end of the period when the site is occupied by those permitted to do so;

i) a timetable for the implementation of the SDS;

(ii) If within 9 months of the date of this decision the local planning authority refuse to approve the SDS or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

(iv) The approved SDS shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved SDS specified in this condition, that scheme shall thereafter be maintained and retained. Any 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 in the next planting season by others of a species and position first approved by the local planning authority, and thereafter retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 5) There shall be no more than 8 gypsy and traveller pitches on the site and no more than 1 caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed on each pitch at any time.
- 6) No commercial activities shall take place on the land, including the storage of materials, plant or machinery.
- 7) No external lighting other than approved under Condition 4 above shall be installed except in accordance with a detailed lighting scheme that shall first have been submitted to and approved in writing by the local planning authority. The detailed lighting scheme shall be carried out, retained and maintained thereafter in accordance with the approved details.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates, walls or fences or other means of enclosure shall be erected on the site other than those approved pursuant to Condition 4 above, and no amenity/utility buildings, or other buildings shall be erected on the site.

**End of schedule**

## **APPEARANCES**

### FOR THE APPELLANT:

Mr Larry Connors – Appellant

Mr Philip Brown BA (Hons) Urban and Regional Planning - Philip Brown Associates Limited

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Phillip E Hughes BA (Hons) MRTPI FRGS FRSA Dip Man MCIM - PHD Chartered Town Planners

Mr Steve Jarman BSc PGDip PGCert - Head of Traveller Assessments for Opinion Research Services Ltd

Mr Thomas Howe – North Hertfordshire District Council

### INTERESTED PARTIES:

Mr and Mrs Shiach – Local residents

## **DOCUMENTS SUBMITTED AT THE HEARING**

Statement of Common Ground dated 7 January 2026

Council's suggested list of planning conditions

Lawful development certificate 13/01454/1EUD

Updated list of occupiers of the appeal development

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