

5 June 2026

Our Ref Planning Control Committee 18 June 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, Caroline McDonnell, Louise Peace, Martin Prescott, Tom Tyson, Claire Winchester and Dave Winstanley

Substitutes: Councillors Daniel Allen, Sadie Billing, Jon Clayden, Sam Collins, Mick Debenham, Joe Graziano, Bryony May, Michael Muir, Steve Jarvis, Claire Strong and Tamsin Thomas

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

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

On

THURSDAY, 18TH JUNE, 2026 AT 7.00 PM

Yours sincerely,

Isabelle Alajooz
Director – Governance

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item		Page
1.	APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
3.	CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
4.	PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
5.	25/03084/RM LAND TO THE EAST OF TALBOT WAY AND KRISTIANSAND WAY AND FLINT ROAD ALLOTMENTS , FLINT ROAD, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 1TY REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Reserved matters application for approval of layout, scale and appearance of buildings and landscaping pursuant of outline permission 21/00504/OP granted 03.04.2025 for residential development comprising of up to 120 dwellings with vehicular access via Flint Road.	(Pages 5 - 28)

6. **25/03153/FP LAND TO THE EAST OF 2, WEST LANE, PIRTON, HERTFORDSHIRE, SG5 3RA** (Pages 29 - 50)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Extension of existing hardstanding new concrete pad for sitting of caravan (development already carried out). Installation of permeable driveway (development has commenced). Creation of vehicular access off West Lane.
7. **26/00403/S73 151C BEARTON ROAD, HITCHIN, HERTFORDSHIRE, SG5 1UB** (Pages 51 - 62)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Variation of Condition 3 (to allow a limited and controlled extension of operating hours on Sundays, restricted to delivery-only takeaway service between 16:00 and 20:00) of planning permission 95/00276/1 granted 24.05.1995.
8. **TPO00226 (2026) LAND AT MILL LANE (LONDON ROAD END) ST IPPOLYTS, SG4 7NN** (Pages 63 - 70)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- To consider a Tree Preservation Order TPO/00226 (2026) – T1 Hornbeam, G1 3x Hornbeam, G2 3x Oak, G3 2x Hornbeam & 1x Sycamore, T2 Lime, T3 Oak, G4 5x Horse Chestnut, 3x Oak, 7x Walnut, 12x Lime, T4 Field Maple.
9. **TPO/00228 (2026) LAND AT COLEMANS ROAD, BREACHWOOD GREEN, SG4 8PA** (Pages 71 - 76)
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- To consider a Tree Preservation Order TPO/00228 (2026) – T1 Oak, T2 Yew.

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<u>Location:</u>	Land To The East Of Talbot Way And Kristiansand Way And Flint Road Allotments Flint Road Letchworth Garden City Hertfordshire SG6 1TY
<u>Applicant:</u>	Barratt David Wilson Homes (North Thames)
<u>Proposal:</u>	Reserved matters application for approval of layout, scale and appearance of buildings and landscaping pursuant of outline permission 21/00504/OP granted 03.04.2025 for residential development comprising of up to 120 dwellings with vehicular access via Flint Road
<u>Ref. No:</u>	25/03084/RM
<u>Officer:</u>	Peter Bull

Date of expiry of statutory period: 19 March 2026

Extension of statutory period: 19 June 2026

Reason for Delay:

The initial officer report was delayed due to discussions and negotiations on various technical aspects, further information received and additional consultation exercises that was undertaken as a result.

Reason for referral to Committee

The site area for this application for development exceeds 1 ha 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 21/00504/OP - Residential development comprising of up to 120 dwellings with vehicular access via Flint Road (all matters reserved except means of access) – approved subject to legal agreement
- 1.2 26/00605/DOC - Details reserved by Condition 7: (Foul drainage) of planning permission 21/00504/OP granted 03.04.2025
- 1.3 25/02959/DOC - Details reserved by condition 8 Part A (Archaeological Written Scheme of Investigation) of outline application reference 21/00504/OP – part discharged
- 1.4 26/00604/DOC - Details reserved by Condition 6: (Drainage excavations) of planning permission 21/00504/OP – pending

- 1.5 26/00602/DOC - Details reserved by Condition 4: (Drainage Management and Maintenance) of planning permission 21/00504/OP – pending
- 1.6 26/00603/DOC - Details reserved by Condition 5: (Drainage during construction) of outline permission 21/00504/OP – pending
- 1.7 26/00515/DOC - Details reserved by Condition 16: (Design Code) of planning permission 21/00504/OP – pending
- 1.8 26/00514/DOC - Details reserved by Condition 3: (Drainage SWMDDS) of planning permission 21/00504/OP – pending
- 1.9 26/00607/DOC - Details reserved by Condition 21: (Fire Hydrants) of planning permission 21/00504/OP – pending
- 1.10 26/00282/DOC - Details reserved by Condition 14 (BNGMP) of outline planning permission reference 21/00504/OP – pending
- 1.11 26/00357/DOC - Details reserved by Condition 18 (Noise Assessment) of outline planning permission reference 21/00504/OP – pending
- 1.12 26/00366/DOC - Details reserved by Condition 10 (Highway Improvement Works) of outline planning permission reference 21/00504/OP – pending
- 1.13 26/00281/DOC - Details reserved by Condition 12 (Construction Traffic Management Plan) of outline planning permission reference 21/00504/OP – pending
- 1.14 26/00360/DOC - Details reserved by Condition 24 (Site Waste Management plan) of outline planning permission reference 21/00504/OP – pending
- 1.15 26/00357/DOC - Details reserved by Condition 18 (Noise Assessment) of outline planning permission reference 21/00504/OP – pending
- 1.16 26/00367/DOC - Details reserved by Condition 11 (Upgrading bus stops) of outline planning permission reference 21/00504/OP – pending
- 1.17 26/00368/DOC - Details reserved by Condition 22 (Refuse and recycling) of outline planning permission reference 21/00504/OP – pending
- 1.18 26/00362/DOC - Details reserved by Condition 15 (Swift and Bat Boxes) of outline planning permission reference 21/00504/OP – pending
- 1.19 26/00282/DOC - Details reserved by Condition 14 (BNGMP) of outline planning permission reference 21/00504/OP – pending
- 1.20 26/00283/DOC - Details reserved by Condition 9 (Vehicle Access) of outline planning permission reference 21/00504/OP – pending
- 1.21 26/00364/DOC - Details reserved by Condition 20 (EV charging point) of outline planning permission reference 21/00504/OP – pending

- 1.22 26/00013/S106A - Modification to S106 associated with 21/00504/OP to modify Paragraph 1.3 of Part 1 of Schedule 2 to change the mix of affordable housing units – pending
- 1.23 26/00363/DOC - Details reserved by Condition 19 (Energy and sustainability statement) of outline planning permission reference 21/00504/OP - pending

2.0 **Policies**

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

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy
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 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 (2015)
Vehicle Parking Provision at New Development SPD (2011)
Sustainability SPD (2024)
North Herts Design Code (Draft 2026)
East and North Herts Shared Waste Services Waste Storage and Collection
Guidance for Developers

2.3 National Planning Policy Framework (NPPF) (2024)

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 National Planning Practice Guidance (NPPG)

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

3.0 **Representations**

3.1 HCC Highways – no objections to original proposals. Updated consultation response on revised layout awaited and will be reported

3.2 Letchworth Heritage Foundation – supports the proposals

3.3 NHC Ecology – no objection

3.4 NHC Urban Design – no objection

3.5 NHC Senior Transport Officer – no objection

3.6 NHC Tree and Landscape Officer – no objection subject to conditions

3.7 Place Services (Landscaping) – comments provided identifying improvements

3.8 NHC Waste and Recycling – any comments on updated layout to be reported

3.9 Anglian Water – any comments to be reported

3.10 Neighbours – 3 letters received – issues raised are as follows -

- queries relating to allotment improvements
- provision of water point to water new landscaping
- adequate bin storage areas
- archaeological engagement
- absence of community building
- site not to be adopted by local authority
- inappropriate location for residential use alongside industrial operations (fuel depot) and the local recycling centre

- juxtaposition of residential use with industrial uses and associated noise, fumes and traffic adjacent causing hazards for residents especially school children
- additional traffic and transport
- absence of road improvement to mitigate these problems.
- priority should be to keep heavy industry separate from school children walking to school
- opportunities for installing solar panels should be expanded and layout should be redesigned to facilitate larger arrays to roofs.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The application site is located to the north-east of Letchworth and to the south of Norton. It was removed from the Green Belt as part of the site allocation (LG3) in the North Herts Local Plan (NHLP). It now falls within the settlement boundary of Letchworth. The site covers an area of approximately 5.5 hectares. It is roughly rectangular in shape, tapering at its northern end. There are residential properties to the north and beyond allotment gardens to the west. There is an industrial estate to the south through which vehicular access to the site is proposed. There are open fields within the Green Belt to the east, where there is a hedge and ancient orchard.

4.1.2 There are no public footpaths crossing the site. However, there is a public footpath that runs beyond the northern boundary of the site (PRoW 026).

4.1.3 There is existing woodland plantation within the site towards the east and southern boundaries. The site rises from south at Flint Road to north adjacent to Norton. There is an existing vehicular access to the south which serves the existing allotment gardens.

4.2 The Proposal

4.2.1 The application seeks reserved matters approval of *layout, scale and appearance and landscaping* pursuant of outline permission 21/00504/OP granted in April 2025 for residential development comprising of up to 120 dwellings with vehicular access via Flint Road.

4.2.3 The proposed housing mix is set out in the table below -

Size	Market (60%)	Affordable (40%)	Total
1 bed apartment	5	12	17
2 bed apartment	4	8	12
2 bed house	0	9	9
3 bed house	38	15	53
4 bed house	20	4	24
5 bed house	5	0	5
	72	48	120

Table 1

4.2.4 Included in the housing delivery set out above will be 6 no. M(4)3 apartments (2 market and 4 affordable) and all 28 affordable houses and 63 private houses (91 in total) will be delivered as M(4)2.

4.2.5 The application proposals are set out in the following documents -

- Application Form
- Final Planning Statement
- Design and Access Statement - Part 1
- Design and Access Statement - Part 2
- Design and Access Statement - Part 3
- Design and Access Statement - Part 4
- Design and Access Statement - Part 5
- Design and Access Statement - Part 6
- Photo Book Part 1
- Photo Book Part 2
- HTA-A_DR_0102_B_Illustrative Masterplan
- HTA-A_DR_0103_A_Parameter Plan with Proposal
- HTA-A_DR_0100_D_Proposed Site Layout
- HTA-A_DR_0124_C_Boundary Materials
- HTA-A_DR_0120_C_Car and Cycle Parking Strategy
- HTA-A_DR_0165_Cycle Store Elevations Floor and Roof Plans
- HTA-A_DR_0161_Double Garage Elevations Floor and Roof Plans
- HTA-A_DR_0150_Enclosure Details
- HTA-A_DR_0010_Existing Site Plan
- HTA-A_DR_0166_Refuse Store Elevations Floor and Roof Plan
- HTA-A_DR_0121_C_Refuse Strategy
- HTA-A_DR_0122_D_Tenure Distribution
- HTA-A_DR_0124_D_Wall and Roof Materials
- HTA-A_DR_0167_A_Substation Elevations Floor and Roof Plans
- HTA-A_DR_0001_Site Location Plan
- HTA-A_DR_0104_A_Sales Arena
- BNG Validation check
- P25-0636_EN_0004_A_Detailed Hard Landscape Proposals
- P25-0636_EN_0002_S1_A_Detailed Public Open Space Landscape Proposals (Sheet 1 - 3)
- P25-0636_EN_0003_A_Detailed Soft On-Plot Landscape Proposals (Sheet 1 - 4)
- P25-0636_EN_0006_S1_A_Play Space And Green Street Details (Sheet 1 - 3)
- P25-0636_EN_0005_C_Landscape Masterplan
- CSA_7316_111_Biodiversity Enhancement Strategy
- 2502330-ACE-XX-00-DR-C-0007_B_Proposed Footway Improvements
- 2502330-ACE-XX-00-DR-C-0006_B_Proposed Site Access
- Transport Technical Note (1 - 3)
- 2502330-ACE-XX-XX-DR-C-0101-E_Levels Strategy
- HTA-A_DR_2081_B_Stanford Detached Floor and Roof Plans
- HTA-A_DR_2080_A_Stanford Floor and Roof Plans
- HTA-A_DR_2075_B_Watford Floor and Roof Plans
- HTA-A_DR_2010_B_Whitlingham Floor and Roof Plans
- HTA-A_DR_0162_Shared Garage Elevations Floor and Roof Plans
- HTA-A_DR_0160_A_Single Garage Elevations Floor and Roof Plans
- HTA-A_DR_0300_B_Street Elevations 1
- HTA-A_DR_0302_B_Street Elevations 3
- HTA-A_DR_2045_B_YH50 Floor Plans
- HTA-A_DR_2050_B_YH52 Floor and Roof Plans

- HTA-A_DR_2055_B_YH54 Floor and Roof Plans
- HTA-A_DR_2060_YH55 Floor and Roof Plans
- HTA-A_DR_2000_C_Rainham Floor and Roof Plans
- HTA-A_DR_2115_C_Blackwater Woodland Elevations
- HTA-A_DR_2125_C_Conwy Woodland Elevations
- HTA-A_DR_2165_B_Cottage Flats Elevations
- HTA-A_DR_2150_D_YH52 End Allotment Elevations
- HTA-A_DR_2146_D_YH50 End Allotment Var Elevations
- HTA-A_DR_2145_C_YH50 End and Mid Allotment Elevations
- HTA-A_DR_2151_C_YH52 End Avenue Elevations
- HTA-A_DR_2130_B_Fairburn Woodland Elevations
- HTA-A_DR_2140_C_Flatford Woodland Elevations
- HTA-A_DR_2135_C_Minsmere Woodland Elevations
- HTA-A_DR_2101_C_Rainham Avenue Elevations
- HTA-A_DR_2100_B_Rainham Gateway Elevations
- HTA-A_DR_2105_C_Skomer Gateway Elevations
- HTA-A_DR_2106_D_Skomer Gateway Var Elevations
- HTA-A_DR_2181_B_Stanford Detached Woodland Elevations
- HTA-A_DR_2180_B_Stanford Semi-Detached Elevations
- HTA-A_DR_2176_C_Watford End Allotment Elevations
- HTA-A_DR_2175_C_Watford End Avenue Elevations
- HTA-A_DR_2110_C_Whitlingham Gateway Elevations
- HTA-A_DR_2155_D_YH54 End Allotment Elevations
- HTA-A_DR_2160_B_YH55 End Avenue Elevations
- HTA-A_DR_2020_B_Beckingham Floor and Roof Plans
- HTA-A_DR_2065_B_Blackthorn Floor and Roof Plans
- HTA-A_DR_2015_B_Blackwater Floor and Roof Plans
- HTA-A_DR_2025_A_Conwy Floor and Roof Plans
- HTA-A_DR_2070_A_Cottage Flats Floor and Roof Plans
- HTA-A_DR_2030_Fairburn Floor and Roof Plans
- HTA-A_DR_2040_A_Flatford Floor and Roof Plans
- HTA-A_DR_2035_A_Minsmere Floor and Roof Plans
- HTA-A_DR_2005_A_Skomer Floor and Roof Plans
- HTA-A_DR_2204_B_Apartment Block Affordable Elevations
- HTA-A_DR_2201_B_Apartment Block Affordable Floor and Roof Plans
- HTA-A_DR_2203_B_Apartment Block Private Elevations
- HTA-A_DR_2200_A_Apartment Block Private Floor and Roof Plans
- HTA-A_DR_2121_C_Beckingham Allotment Elevations
- HTA-A_DR_2120_C_Beckingham Woodland Elevations
- HTA-A_DR_2165_B_Blackthorn Allotment Elevations
- HTA-A_DR_0301_B_Street Elevations 2
- HTA_A_DR_2141_C_Flatford Woodland Var Elevations

4.2.6 Other documents submitted as part of the application but are dealt with as conditional matters from the outline permission (OP) and are therefore not approved as part of this application comprise –

- Sustainability Statement
- Preliminary Ecological Appraisal
- Preliminary Ecological Appraisal (signed)
- Habitat Management and Monitoring Plan (HMMP)
- Statutory Biodiversity Metric Calc.Excel Spreadsheet

- Biodiversity Net Gain Assessment:- Design Stage- Rev A
- Arboricultural Impact Assessment and Method Statement
- Rural Edge Design Code (1-5)
- Drainage Tech Note
- Drainage Tech Note - with Appendices Rev B--2
- Drainage Tech Note - with Appendices Rev B--3
- Noise Assessment (Rev A)
- Noise Assessment (Rev A) (signed)

4.2.7 A revised layout plan was provided in May 2026 following negotiations with the applicant. Supporting documents have been updated to reflect the updated site layout.

4.3 Key Issues

4.3.1 This application seeks reserved matters approval pursuant to the outline planning permission 21/00504/OP (OP). The OP has established the use of the site for residential purposes as well as the main point of access. The extent of the consideration for this application is limited to the following reserved matters (RM) -

- Layout
- Scale
- Appearance
- Landscaping

4.3.2 As can be appreciated from section 1.0 of this report, applications to discharge conditions imposed as part of the outline permission have been submitted. These have been subject to consultation with the necessary technical consultees. These conditional matters 'interact' with elements of the reserved matters under consideration and have been considered as part of discussions around this RM application. The intention is that, in the event that Members resolve to approve this application, all outstanding conditional matters would be formally agreed following confirmation from relevant technical consultees. As with all conditional matters, such decisions are delegated to the Development and Conservation Manager.

4.3.3 A Strategic Masterplan Document (SMPD) was provided as part of the outline application and the contents of this have been taken into account when negotiating and amending the proposals now presented to Members. Details of this are set out in the following sections of this report. The proposals have been negotiated over the last 12 months and therefore largely predate the publication of the emerging district *Design Code*. Whilst the proposal cannot therefore reasonably be expected to comply with the Code (which at the time of writing this report is still unadopted), discussions and negotiations have considered elements of the *Code*, and these have been included where reasonable.

4.3.4 This report will first set out the background to the application followed by an explanation and analysis on the each of the reserved matters and their compliance with the development plan and the SMPD.

Background

- 4.3.5 The site is allocated for housing in the North Hertfordshire Local Plan 2011-2031 (NHLP) under Policy HS1 and is known as LG3. Upon the adoption of the NHLP in November 2022, the site was removed from the Green Belt and now falls within Letchworth Garden City. Members approved outline permission for this allocated housing in July 2023 (application reference 21/00504/OP) subject to a S106 agreement. Officers concluded that the outline application was in accordance with the NPPF and the NHLP and would enable the delivery of a local housing allocation.
- 4.3.6 The outline permission S106 agreement secured the following matters - *Affordable housing, Open Space Scheme and Open Space Management Scheme, Allotment improvements, Financial contributions to HCC, Footpath improvement works, Flint Road and Blackhorse Road Improvement Works and Travel Plan*. The applicant is seeking to vary the affordable housing mix from that set out in the S106. This is being considered separately via a Deed of Variation and does not form part of the consideration of this application (see 4.2.3 of this report).
- 4.3.7 Policy LG3 in the NHLP set out the following site-specific policy criteria for the development of the site -
- i. Structural planting to reinforce Green Belt boundary along the north-eastern perimeter of the site;
 - ii. Appropriate mitigation measures for noise associated with motorway and/or adjoining employment are to potentially include orientation of living spaces
 - iii. Re-provision of allotments if access to the site is from the west. Re-provision prior to commencement of development, within the vicinity of the site and the same or better quality;
 - iv. Proposals to be informed by a site-specific landscape assessment;
 - v. Retention of Public Right of Way Letchworth Garden City 026 and diversion if necessary;
 - vi. Sensitive design and/or lower density housing where the site affects setting of the Norton Conservation Area and nearby Grade II Listed Buildings on Church Lane and Norton Road; and
 - vii. Archaeological survey to be completed prior to development
- 4.3.8 The SMPD submitted as part of the outline application set out the vision and place-making objectives based around a landscape-led design taking account of the site topography and how the site needed to effectively integrate with the existing green infrastructure network and walking, cycling and public transport routes and hubs. A set of framework plans - Land Use, Movement, Green Infrastructure, Biodiversity and Landscape and Urban Design Parameters fixed the structure of the masterplan. Also included were Design Principles and an illustrative Masterplan to provide an example of how the site could be developed within the parameters and principles set out in the Strategic Masterplan Framework to achieve design quality and compliance with NHLP policy SP9.
- 4.3.9 The illustrative masterplan within the SMPD includes the following key elements -
- a. wide green corridor to the east to buffer the woodland protect ecology and create a rural fringe to the development
 - b. a green corridor to the west to buffer both the scrub habitat and allotments

- c. generous buffering and additional planting at these landscaped boundaries to screen views into the development and create a landscape setting and woodland character for the built form
- d. Location of green space and additional planting to the north of the site in the most elevated and flattest position to protect setting of Conservation Area, help screen views into the site from the north PROW 26 and provide a transitional space and focal point for the community
- e. Location of new village green to the north of the site as a re-provision and re-interpretation of a historic but lost village green on the primary school site responding to historic character
- f. Re-establishing and reinforcing connections to St Nicholas Church and Church Fields (a significant historic space with cultural associations) green space and wider footpath network through improvements to PROW 26 and positioning of the village green
- g. Working with the topography to locate SUDs and the arrangement of buildings, streets and green spaces
- h. Structural planting to be provided in verges or front gardens along the primary street to create a green, semi-rural environment.
- i. Hedges to be provided in most front gardens and be the preferred boundary treatment reflecting local character
- j. Garden streets (secondary streets) to create east-west habitat continuity and landscape fingers extending the woodland character into the development and benefiting from solar gain
- k. Designing a rural lane to the east of the development to reflect rural edge and transitional area and draw on lane precedents in both Norton and Letchworth Integrating home with large front gardens to reflect local Letchworth character
- l. Tree specimens with large sizes at maturity to be planted in the open spaces (village and entry greens) and form part of the landscape design related to large buildings.
- m. Utilizing a cohesive design approach that includes a uniformity in terms of building line and the creation of street.
- n. Use of focal points, tree lined routes, vistas and group design and simple design approach (either contemporary or traditional) that reflects arts and crafts values
- o. Utilising special corner / marker buildings a common urban feature throughout Letchworth.
- p. Reflecting characteristics of the historic core of Norton in the rural eastern edge such as rural cottages (which follow an irregular building line and varied frontage), rural lanes, generous planting and green spaces
- q. Integrating a simple high-quality material palette influenced by early garden city Arts and Crafts design of Letchworth and rural vernacular of Norton
- r. Limiting the storey height to the north to limit impact of the development on the setting of the Conservation Area and limiting the storey height to 2.5 along the eastern rural edge to respect the rural character.

4.3.10 Compliance with the SMPD and Framework Plans is considered as part of the four reserved matters topics below.

Layout

4.3.11 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...'*

4.3.12 NHLP policies to be considered that are relevant to layout include SP9, SP10, SP12, SP13, HE1, HS1, HS2, HS3, HS5, T1, T2, NE2, NE6, NE7, NE8, D1 and D3. Appendix 5: 'Letchworth Garden City Design Principles' are also considered relevant.

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

- The use of perimeter blocks to structure the layout
- The primary avenue / street to form the main street through the site
- Secondary streets will act as green streets to connect into the eastern woodland corridor.
- The rural frontage to the east will provide a more irregular and stepped frontage but and include larger detached and semi-detached properties
- A feathered landscaped edge adjacent the existing woodland
- The village green frontages to frame and enclose the village green
- Apartment buildings are located on the lower half of the site and are positioned to form anchor points at visually prominent locations to form wayfinding buildings for the adjacent streets
- Streets that terminate at a development boundary should create green views at that boundary

General layout

4.3.14 The site has a total of seven development blocks either side of the primary street – three to the east and four to the west. The primary street ('The Avenue') will connect to the existing adopted road in the south (Flint Road) and terminate in the north at the village green adjacent to the boundary with Norton. The primary street curves gently working with the topography and includes structural tree planting and SUDs features interspersed with visitor car parking along the edges and verges.

4.3.15 East to west routes function as secondary streets known as 'Garden Streets' and are landscaped to provide green landscaped routes to link to the eastern woodland belt. Secondary streets connect to the primary street through staggered junctions to improve pedestrian safety, reinforce road hierarchy, and create opportunities for corner features to enhance townscape character.

4.3.16 The edge lane along the eastern boundary of the site will have a more informal appearance to reflect its location along the new rural edge of the settlement providing a suitable transition integrate the settlement with the woodland and greenbelt beyond. This route is partially curved and is narrower in width compared to the primary street and draws on the character or the rural lanes found in Norton and Letchworth. The details of the edge lane are secured by condition as part of the outline permission (reference 26/00515/DOC). Although this is a separate matter, the layout as proposed is considered satisfactory and should not prejudice the determination of the condition.

Residential amenity

4.3.17 Each dwelling will include an appropriately sized private garden area to reflect the size of the dwelling. All apartment units will include their own private balconies. The site is bordered by industrial development to the south, allotments to the west, open countryside to the east and a landscaped edge to the north adjacent to Norton. Whilst some of the upper floor balconies to the apartment block along the allotment edge will afford views towards existing residential properties, due to the intervening allotments, existing screening and separation distances (circa 50m), these are not considered to be unreasonable or harmful.

Movement and access

4.3.18 For context, the immediate access and movement network adjacent and outside of the site comprises –

- Vehicular and pedestrian access - via Flint Road in the south (including adjacent allotments)
- Pedestrian and cycle access – PRow 026 runs along the norther boundary and an existing permissive walking route along the eastern site boundary. The National Cycle Route 12 passes along Blackhorse Road which links to Flint Road.

4.3.19 Also, as set out in section 4.3.6 above, the outline permission S106 secured off-site improvements for the following –

- (a) Flint Road and Blackhorse Road including widening of path and dropped kerbs
- (b) PRow 26 widening and nearest bus stops along Norton Road/ Green Lane
- (c) A new access from PRow 26 into St Nicholas Primary School

4.3.20 The primary street includes a vehicular carriageway and segregated pedestrian and cycle surface. The layout provides cycle and pedestrian routes which will link the new development with the existing PRow 26 to the north, the existing permissive path to the east and the existing footpath along Flint Road in the south (which will be widened as part of the outline permission S106).

4.3.21 Secondary 'Green Streets' and the rural edge lane will be shared surfaces. Informal paths are proposed through the woodland to provide alternate recreational paths for residents. Pedestrian connection to the existing allotments west of the site is proposed through the woodland in the south and will complement the existing pedestrian access to the north (PRow 26) and revised vehicular access through the plantation off Flint Road. Following the submission of the original layout, officers and the applicant sought to amend the design of the rural edge lane. The revised layout plan now proposes a shared surface lane designed at 3.0m in width, supported by localised widening at junctions and several passing places including visitor parking bays. Herts CC Highways have previously confirmed agreement to the general site wide road layout. However, in relation to the revised 3.0m wide carriageway to the rural edge lane, a response is awaited pending agreement from Hertfordshire Fire and Rescue Service. An update on this matter will be given at the meeting.

4.3.22 The proposed footpaths and recreation routes have been located to connect and improve walking and cycling access to Norton village, St Nicholas Primary School and the adjacent industrial area. The site also has access to the Letchworth Greenway route via Blackhorse Road just to the south of the site. This gives access to Baldock to the east, Radwell Meadows to the north. Buses into Letchworth town centre run along Norton Road and Green Lane, both accessible from the footpath running east-west along the north of the site (PRow 026).

4.3.23 The location of the village green and new playground on the desire line to school will also encourage active travel and social interaction. Overall, the proposals will provide good cycle access to Baldock, Radwell and Stotfold as well as Letchworth town centre.

Car parking

- 4.3.24 There are two types of car parking provided as part of the proposals to cater for both residents and visitors. Residents on plot parking has been revised since the original submission with the double garages for the larger properties replaced with single garages and providing between 2 and 3 off street spaces per unit. Smaller units have two on street spaces per unit and apartment units 1 space per unit. In relation to visitor spaces, the original plan had 25 on-street and 5 on-plot parking spaces. The revised layout provides 30 spaces on-street (0.25 spaces per dwelling) and relatively evenly distributed across the site. Overall, the parking arrangements are policy compliant and are considered acceptable.

Cycle parking

- 4.3.25 Resident and visitor cycle parking facilities are proposed across the site. Resident parking for individual dwellings will be provided in either an enlarged garage or a secure shed located in rear gardens. For apartment buildings, detached cycle storage buildings are proposed adjacent to each block. Visitor cycle parking in the form of Sheffield style stands will be provided adjacent the front entrance of each of the three apartment blocks (two stands per block), with an additional two Sheffield cycle stands to be located within each the Gateway and Village Greens. Overall, cycle parking facilities are considered to be policy compliant and acceptable.

Open spaces

- 4.3.26 There are four key open / undeveloped spaces included as part of the site layout –

- (a) Gateway green to the south
- (b) Village Green to the north
- (c) SuDS in the south-eastern corner
- (d) Existing plantation along the southern and eastern site boundaries.

- 4.3.27 These key spaces are supplemented by more minor open spaces along the secondary streets. The proposed layout exceeds Fields in Trust standards as set out in the SMPD. The new open space delivered as part of the scheme will total approximately 0.48ha - 0.36ha combined between the Village and Gateway Greens and 0.12ha from the southern SuDs area. Details of the landscaping of these areas are set out in the *landscaping* section below.

Refuse strategy

- 4.3.28 Each dwelling includes space for four bins with communal bin storage areas proposed for the apartment blocks. The precise details of the site wide waste strategy will be secured via condition 22 from the outline permission. Details have been submitted to the council pursuant to this condition (application reference 26/00368/DOC) and this is under consideration by the Waste Services Team. The existing *East and North Herts Shared Waste Services Waste Storage and Collection Guidance for Developers* sets out bin collection expectations. This confirms that collection of domestic bins should be from kerbside. Where a lorry must reverse in, the bin collection points should be no more than 12m from the junction where it starts reversing. Where this is not possible, developers are required to have designated bin collection points that are on or next to roads that are built to adoptable standards.

- 4.3.29 The applicant has provided a revised refuse collection vehicle tracking diagram to show that a waste collection vehicle can safely travel along the edge lane, and a revised refuse collection strategy, showing a new optimised route and any proposed adjustments to bin collection points to reduce drag distances. An update on this matter will be given at the meeting.

Surface water drainage

- 4.3.30 These are conditional matters which were secured under the outline application (application references 26/00513/DOC, 26/00602/DOC and 26/00603/DOC). The layout drawings include a range of SuDS feature notably the two basins in the Village Green (north) and along the rural edge lane (south) together with some raingarden features along the primary and secondary roads. The LLFA have been consulted in relation to the conditions and have made comments requesting adjustments and clarification. Revised details have been submitted and the updated response from the LLFA is awaited. The layout as currently proposed is not thought to be affected by these revisions and the determination of this RM application will not prejudice the determination of the conditional details.

Conclusion on Layout

- 4.3.31 The layout has been designed to provide a clear and simple street hierarchy well integrated with development blocks and green spaces to create permeability and legibility. It is considered to accord with policy LG3, SMPD Framework and Parameter plans as well as the NPPF and NHLP policies.

Scale

- 4.3.32 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'*...
- 4.3.33 NHLP policies to be considered that are relevant to *Scale* include SP9, SP10, SP12, SP13, HE1, D1 and D3. Appendix 5: 'Letchworth Garden City Design Principles' are also considered relevant.
- 4.3.34 The Parameter Plan secured as part of the SMPD and outline permission, identified two broad areas to guide the scale of the development – north half and southern half. This was largely influenced by the topography of the site which rises from the lowest point at Flint Road in the south to the PRoW 26 adjacent to the northern boundary. In the southern half, the Parameter Plan indicates a maximum scale of 3 storeys and in the northern half a maximum of 2.5 storeys. In addition, it should be noted that the application site lies within the setting of Norton Conservation Area and listed buildings within its historic core. The officer report at the outline stage confirmed that *'It is considered that the proposed development would result in less than substantial harm to the significance of designated heritage assets through development within their setting, at the bottom of the spectrum of less than substantial harm.'* The heritage planning balance concluded that the identified benefits of the proposal would outweigh the harm identified.
- 4.3.35 The proposed residential development on higher ground to the northern part of the site is no higher than 2.5 storeys in height and the residential development on the lower ground, towards the south of the Site, primarily 2 storeys, with some 3-3.5 storey buildings. The proposed scale of the buildings will be in accordance with the approved parameter plan.

Conclusion on scale

- 4.3.36 In terms of the scale of proposals and their impact on heritage assets and the adjacent countryside and townscape, officers consider that they accord with policy LG3 and SMPD Framework and Parameter plans as well as the NPPF and NHLP policies.

Appearance

- 4.3.37 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...'*
- 4.3.38 NHLP policies considered relevant to Appearance include SP9, SP13, DS1 and HS1. Appendix 5: 'Letchworth Garden City Design Principles' are also considered relevant.
- 4.3.39 The approved SMPD confirmed that architectural and materials design principles should include positive architectural features, high quality materials referenced from high quality housing and character in Letchworth Garden City. Apartment buildings should form visual anchor points for the adjacent streets. Main entrances, overall massing and orientation, roof silhouette, façade design, parking solutions, and ground level interface with the public realm must all be carefully considered and well designed.
- 4.3.40 The site has four building character areas and comprise Gateway Green, The Avenue, Allotment Boundary and Woodland Boundary. Generally, the appearance of buildings across the four-character areas will be similar with a range of brick built pitch roof houses. Proposed dwellings and garages include common architectural elements - porches, window surrounds, and bay windows – which are inspired by existing early traditional Letchworth Garden City housing. Careful consideration has also been given to materials which will combine a mixture of red multi facing bricks, off white render, red roof tiles with tile creasing features to gables and eaves and string courses to frame windows and doors. These are also inspired by existing early traditional Letchworth Garden City housing. The material palette and detailing is consistent across the site ensuring tenure neutrality.
- 4.3.41 Where dwellings or apartment blocks are proposed at junctions or key edges, these have been designed to be dual aspect.
- 4.3.42 Ancillary buildings – cycle stores, refuse stores and the substation - will also follow the materials palette as the main residential buildings. The substation will be located at the entrance to the site where the new spur road for allotments is proposed. The applicant has indicated a willingness to create a feature of this building as a site entrance feature. Details of the final finishes to this building can be secured by condition in the event of approval.

Conclusion on Appearance

- 4.3.43 The appearance of buildings has been designed to reflect Letchworth Garden City Principles set out in Appendix 5 of the NHLP whilst respecting the character and appearance of Norton. The proposed details are considered to accord with policy LG3 and SMPD Framework and Parameter plans as well as the NPPF and NHLP policies.

Landscaping

- 4.3.44 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...'*

4.3.45 Relevant NHP policies include Policy ENV3, ENV4, NE1, NE7, NE8, SP9 and SP12. Appendix 5: 'Letchworth Garden City Design Principles' from the NHP are also considered relevant.

4.3.46 The Green Infrastructure Framework set out in the SMPD sets out a series of principles to be considered and included in RM proposals. These are -

- The retention and enhancement of the existing woodland along the east and south edges
- The provision of a village green to the north edge
- The provision of a (i) gateway green to the southern entrance and (ii) a secondary landscaped open space with the potential for a small wetland habitat and infiltration basin.
- On-site biodiversity gain to be delivered through new woodland planting with native ground flora, scrub planting, diversification of hedgerows, new hedgerow trees, wetland planting and the creation of species rich wildflower meadows.
- A buffer of 12m to be maintained adjacent to northern boundary
- Existing hedgerows along the west and existing woodland on the eastern and southern sides retained with buffer
- Multi functional open /play space in accordance with Fields in trust Standards
- Allotment provision will be made by investment into the existing adjoining site
- 0.44ha of Parks and Gardens including a 700sqm play area with appropriate buffers
- Doorstep play provision across the site
- The existing woodland to be enhanced and managed and include some natural play provision

Existing woodland

4.3.47 The application is supported by a tree survey, Arboricultural Impact Assessment (AIA) & Tree Constraints Plan (TCP,) Arboriculture Method Statement (AMS) & Tree Protection Plan (TPP) in accordance with BS5837 Trees In Relation to Construction. The proposed development retains the majority of the existing woodland although the removal of T1 Hawthorn and a section of G2 mixed species to facilitate vehicular access to the site is necessary. These trees are young or of low quality and removal will not significantly impact the amenity of the site. Additional tree planting is proposed to streets and within rear private gardens across the site. This is considered to provide adequate mitigation for trees removed to facilitate the vehicular access to the site.

4.3.48 An amended Arboricultural Method Statement has been provided to clarify impacts and mitigation relating to T5 Sycamore a B Category tree. Details provided of the protective measures during construction for other retained trees on site are considered to be adequate. New mulch recreation paths are proposed through the woodland which are considered acceptable. Some informal natural play opportunities are identified through the woodland although it is unclear if existing trees need to be removed to

allow these. Clarification on this point has been requested from the applicant and a further update will be given at the meeting.

The Avenue (primary road)

- 4.3.49 Hard landscaping proposals - roads and driveways - will generally be block paved with different coloured blocks to public roads and private drives. Macadam black top surfacing will be provided at junctions with Green Streets.
- 4.3.50 Soft landscaping proposals along the street includes tree planting along both sides of the carriageway. These species - *Carpinus* 'Frans Fontaine' and *Tilia* 'Greenspire' should grow to circa 17-22m in height which will help create a uniform appearance ideal for avenue planting and creating vistas. Keeping the species the same on both sides of the primary road to the south will create the uniformity in accord with streets within Letchworth. Larger species trees along the road will provide focal points when viewed from adjoining streets.

Green streets (secondary roads)

- 4.3.51 Hard landscaping proposals will comprise a block paved shared surface roads with integrated rain gardens, seating at road ends, raised growing beds and incidental door step play equipment. Bollards are proposed to street edges to protect from unauthorised parking.
- 4.3.52 Soft landscaping proposals have been revised since the original submission with green spaces between car parking rows having been consolidated into larger areas to provide larger spaces for native street tree planting. Focal tree planting is proposed around junctions. Front boundaries to Green Streets will be open and untreated.

Rural Edge Lane (eastern edge)

- 4.3.53 The rural edge lane will have a different colour block paviour to indicate its less formal status and its narrower carriageway width. As set out at 4.3.16 of this report, the detail of this is subject to a condition from the outline and is not therefore considered in detail as part of this application.

Gateway Green

- 4.3.54 This will create a focal feature for the site upon entry from Flint Road. The space comprises two footpaths together with a focal play platform feature, seating, picnic benches and play equipment framed by tree and ornamental planting set within amenity grassland and wildflower meadow. The Green will provide opportunities for informal doorstep play and create a social space for residents and visitors. Focal tree planting around the entrance junction supplemented by mixed species tree planting within the Green and along the Avenue is proposed. Other features to the green include - mixed ornamental planting, rain garden and bio-swale adjacent to Avenue, species-rich meadow, amenity grassland, gentle earth mounding, door-step play equipment, seating and picnic benches and visitor cycle stands. Of note is the size of the Green which is larger than that set out in the SMPD and the Green Infrastructure Framework Plan.
- 4.3.55 Details as set out in supporting documents and plans are generally satisfactory with the exception of the focal play platform details of which have not been finalised and should therefore be subject to condition in the event of approval.

Village Green (including Green Belt edge)

- 4.3.56 The Village Green will be located adjacent to the northern site boundary and will serve as the primary open space for the development. It will accommodate an equipped play space of approximately 700sqm in area. This will contain 8 pieces of play equipment

with natural appearance. The Green is the flattest area of the site. It will be enclosed with mixed native hedgerow, mixed native species trees, species-rich meadow planting, amenity grassland, a damp-tolerant meadow to SuDS basin with gentle slopes, a garden space with sensory planting, bench seating and picnic benches. The buffer zone planting will include a mixture of smaller and medium sized trees to provide more instant visual reinforcement of Green Belt boundary along the eastern edge.

4.3.57 A 12m buffer is retained along the northern boundary. The proposals include a good mix of native species. Tree sizes and spacings are also acceptable. The developer has been asked that plants be sourced from local provenance tree stock where available. The orchard at the north-east of the site contains a mixture of apple species which should provide more variety but ensuring flowering periods overlap for pollination. Some local heritage varieties should be sourced if available.

4.3.58 Although the Green exceeds the *Fields in Trust Standard* required for a site of this size, it is smaller than that set out in the SMPD and the Green Infrastructure Plan. However, the combined formal Village and Gateway Greens together with other open spaces across the site exceed the cumulative expectations for open space set out in the SMPD and therefore are considered to be a benefit.

Suds Basin (South)

4.3.59 The SuDS basin within the south-eastern corner of the site is larger than that identified in the SMPD and Green Infrastructure Framework Plan. It has been designed with varied gentle sloping bank bounded on the rural edge lane by low level bollards. Damp tolerant planting and meadows along with mixed native tree and shrub planting will frame the basin and help enrich biodiversity and visual amenity. Also included are informal play and climbing features, two seating benches and an informal footpath linking to the existing woodland with play-along-the-way features. The size, design and features included to the basin are considered to exceed the aspirations set out in the SMPD and will provide an additional natural space for residents and visitors to utilise and enjoy.

Boundary treatments

4.3.60 There are four primary boundary treatments proposed across the site - 1.8m high walls to road edges (publicly viewable), 1.8m high close boarded fences to rear gardens (private spaces), bollards to rural edge lane and green streets and hedges to the majority boundary frontages. These are considered to accord with the SMPD and will reflect the character and appearance of Letchworth.

Biodiversity

4.3.61 Condition 14 of the outline permission deals with biodiversity net gain for the development and requires agreement of a management plan. An application to agree these details has been submitted and is pending decision (application reference 26/00282/DOC). It is confirmed that the site will deliver the biodiversity gain required by this condition and will be delivered through the aforementioned spaces and areas.

4.3.62 The council's *Ecologist and Tree and Landscape Officers* have been involved in workshops and discussions with the applicant. They are broadly supportive of the proposals from a landscape, arboricultural and biodiversity perspective. The landscaping proposals currently proposed are not considered to prejudice the determination of the aforementioned biodiversity condition.

Conclusion on Landscaping

- 4.3.63 The layout of the site has been landscape led and includes a variety of open spaces and areas for recreation, which cumulatively, exceed the amount expected as part of the outline SMPD. The landscape proposals – quantity, species, mixture and other details - are acceptable. The landscaping proposals are considered to accord with policy LG3 and the biodiversity and landscape and urban design parameters framework plans, as well as the NPPF and NHLP policies.

Other matters

- 4.3.64 The outline permission includes conditions to deal with *foul drainage, archaeological impacts, drainage excavations, drainage management and maintenance, drainage during construction, rural edge design code, drainage SWMDDS, fire hydrants, BNG management plan, noise assessment, highway improvement works, construction traffic management plan, site waste management plan, Upgrading bus stops, refuse and recycling, swift and bat boxes, sustainability, vehicle access and EV charging points*. These matters are not therefore considered in detail as part of this RM application.
- 4.3.65 Allotment improvements were secured as part of the outline permission S106. A third party has identified the need for a water point for use by the management company to ensure that proposed landscaping is established by regular watering. This can be secured as part of the Allotment Improvements which the council have yet to receive details of.
- 4.3.66 A third party also has asked why no community facilities are proposed as part of this application. As confirmed in the officer report relating to the outline application, the site is too small for the provision of new community facilities. However, as set out above, the development has been designed to maximise pedestrian and cycling connections to surrounding facilities within Norton and adjoining urban areas.
- 4.3.67 Hedgehog friendly boundary treatments (gaps and holes) to allow movement of hedgehogs between green spaces will be accommodated by the proposed details.
- 4.3.68 Sustainability matters are dealt with under condition 19 of the outline permission. Details pursuant to this condition have been submitted and are under consideration (application reference 26/00363/DOC). Whilst not a matter that forms part of this RM application, the applicant has confirmed its commitment to dwellings being constructed with improved thermal values than that require under the current building regulations. Potential solar PV locations have also been identified. As part of the condition, officers will seek clarification on the precise properties which will include solar PV and secure these where appropriate.

5.0 Conclusion

- 5.1 This application for reserved matters follows from the approval of outline application 21/00504/OP. Approval is sought for *layout, scale, appearance and landscaping*.
- 5.2 The application site was removed from the Green Belt as part of the site allocation (LG3) in the NHLP. It now falls within the settlement boundary of Letchworth. This allocated housing is identified for development up to 120 new homes. Policy LG3 set out criteria for consideration in the determination of any relevant applications for the site. The SMPF included as part of the outline application contained a variety of framework and parameter plans setting out how a development should come forward to ensure that it reflects both the prevailing character of both Letchworth and Norton

given its position at the interface between these two settlements and also secures an appropriate new eastern edge to the Green Belt. The layout, scale, appearance and landscaping proposals are considered to result in a sensitive eastern extension to Letchworth. The proposed development is considered to accord with the SMPF and complies with the NPPF and NHLP policies.

- 5.3 The approval of this application will make a 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 would be significant. No adverse impacts have been identified and therefore the benefits would not significantly and demonstrably outweighed when assessed against the policies in the NPPF taken as a whole. The scheme therefore benefits from the presumption in favour of sustainable development which is a further material consideration.
- 5.4 There are no material considerations to indicate that the application should not be determined in accordance with the development plan. For the reasons set out above it is officer's view that the proposed development would accord with the development plan including the NHLP, and that there are no reasons to withhold the approval of reserved matters. As such, details should be approved subject to the following conditions.

6.0 Alternative Options

- 6.1 None applicable

7.0 Pre-Commencement Conditions

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

8.0 Legal Implications

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

9.0 Recommendation

- 9.1 That reserved matters be APPROVED subject to the following:

A) providing delegated powers to the Development and Conservation Manager to update conditions with minor amendments as required; and

B) conditions set out below:

1. The development hereby permitted shall be carried out 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. Within 6 months of the commencement of the development, full details of the play focal feature to the Gateway Green shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the focal feature shall be implemented in accordance with the approved details as part of the wider landscaping details approved as part of this application.

Reason: to ensure a satisfactory play opportunities on the site in the interests of public amenity.

3. Within 2 months of the commencement of development, full details of an entrance feature either adjacent to and /or including the approved substation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the focal feature shall be implemented in accordance with the approved details as part of the wider landscaping details approved as part of this application.

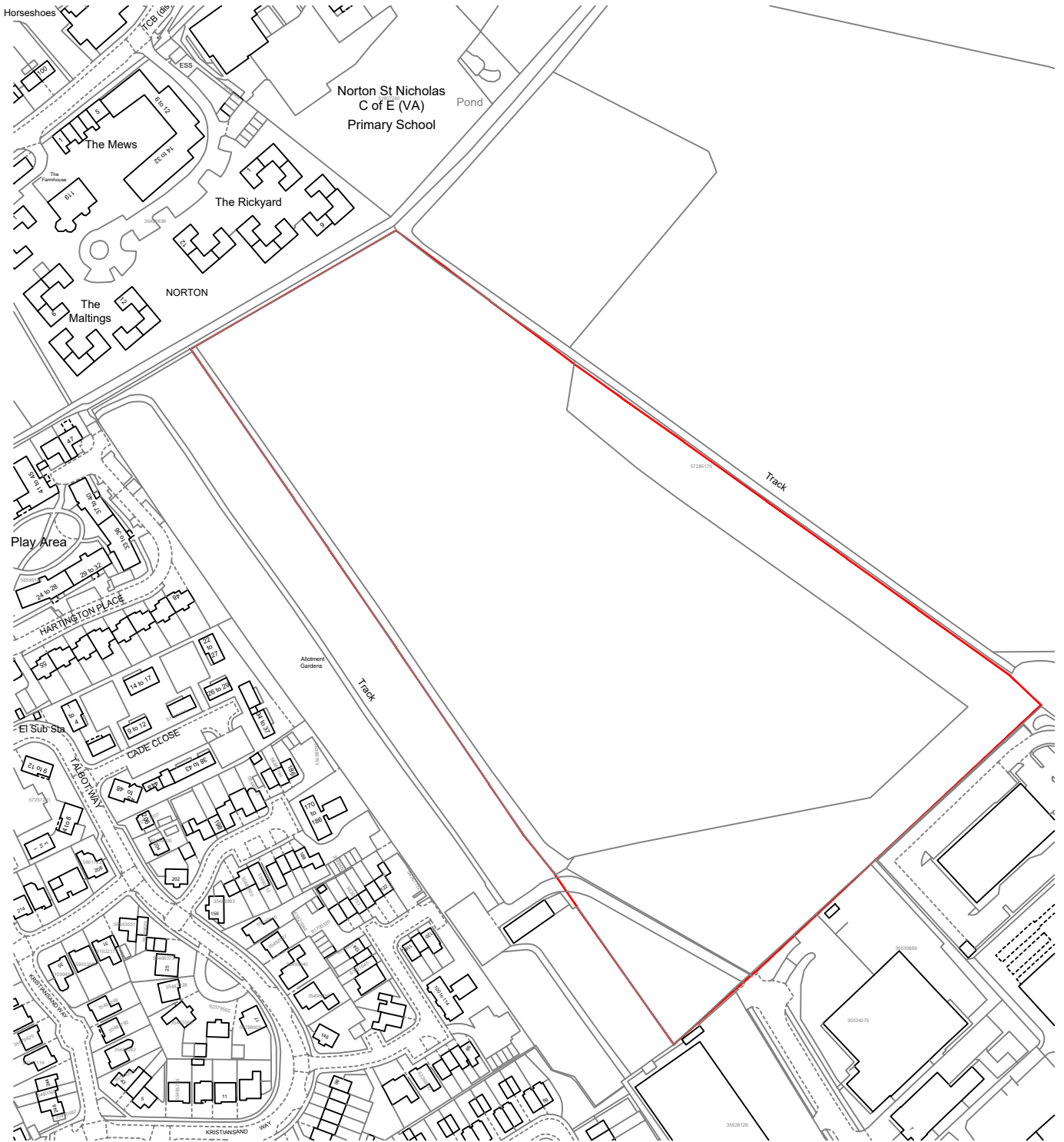
Reason: to ensure a satisfactory entrance to the site of the site in the interests of public and visual amenity.

4. Any conditions recommended by outstanding consultees.

Proactive Statement

The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme and details are aligned to the outline planning permission. 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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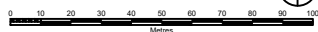


Rev	Date	Drawn	Description
-	26.11.25	JPA	Initial Issue

Notes:
Do not scale from drawings unless by agreement with HTA. Use figured dimensions only. Check all dimensions on site prior to commencing the works. Drawing to be read in conjunction with other relevant consultant information.

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Legend
— Site Boundary



Site Location Plan

BDW North Thames
 Lot North of Talbot Way, Letchworth

FOR PLANNING

status

HTA-A_DR_0001

drawing number

1:2500
 scale @ A4

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BAR-LGC-100JPA
 project number

originated by



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<u>Location:</u>	Land To The East Of 2 West Lane Pirton Hertfordshire SG5 3RA
<u>Applicant:</u>	Mr H Doyle
<u>Proposal:</u>	Extension of existing hardstanding. New concrete pad for siting of caravan (Development already carried out). Installation of permeable driveway (Development has commenced). Creation of vehicular access off West Lane.
<u>Ref. No:</u>	25/03153/FP
<u>Officer:</u>	Harriet Sanders

Date of expiry of statutory period: 18/02/2026

Extension of statutory period: 26/06/2026

Reason for Delay: Submission of further details in response to matters raised by Hertfordshire County Highways and in order to present the application to an available committee meeting.

Reason for Referral to Committee: Following Parish Council Objection, called in by Cllr Strong for the following reasons:

- concerned that the reasons for refusal in application 25/01198/FP points 1 to 5 have not been mitigated by this new application.
- All previous applications to build on the site were refused.
- This plan goes against the Pirton Neighbourhood Plan.
- There are no special circumstances to permit the destruction of the site in a Conservation Area.
- The site is unsuitable for development.

1.0 Policies

North Herts Local Plan 2011 - 2031

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP5: Countryside and Green Belt

Policy SP9: Design & Sustainability

Policy SP12: Green infrastructure, landscape and biodiversity

Policy SP13: Historic environment

Policy CGB1: Rural areas beyond the Green Belt

Policy CGB4: Existing buildings in the Rural Area Beyond the Green Belt

Policy T1: Assessment of transport matters

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy NE4: Biodiversity

Policy HE1: Designated Heritage Assets

National Planning Policy Framework 2024

Relevant throughout but particular reference to:

Section 12 (Achieving well-designed places)

Section 16 (Conserving and enhancing the historic environment)

Pirton Neighbourhood Plan 2011-2031

Policy PNP2: Design and character

Policy PNP4: Hedgerows, Trees & Verges

Policy PNP5: Wildlife

Policy PNP7: Key views and vistas

Policy PNP8: Heritage Assets and Archaeological Heritage

Policy PNP 11: Safety of Pedestrians, Cyclists and Motorists

2.0 Site History

- 78/01492/1: Outline application for erection of detached house and double garage and formation of new vehicular access. Refused 30/11/1978. Appeal dismissed 1979.
- 92/00882/1: Detached dwelling with single garage. Refused. Appeal dismissed 27/05/1993.
- 94/00775/1: Two bed detached dwelling with new vehicular access. Refused 6/10/1994.
- 94/01353/1: Two bed detached dwelling with new vehicular access. Refused 19/07/1995.
- 95/01050/1EUD - Certificate of Lawful Use or Development – “Retention and continued use of mobile home”. Granted 21/11/1995.
 - Reason - ‘A mobile home in residential occupation has been located on this site for in excess of 10 years.’

The lawful use of the site is therefore for mobile home. This is discussed in more detail below.

- 25/01198/FP “Extension of existing hardstanding (Development already carried out). Installation of permeable driveway (Development has commenced). Creation of vehicular access off West Lane.” Refused 29 August 2025. Reasons for refusal:
 1. The application site is located beyond the designated Pirton village boundary in the Rural Area beyond the Green Belt in the adopted North Herts Local Plan 2011 - 2031 (NHLP). The development the subject of this application does not meet any of the acceptable forms of development and criteria set out in Policy CGB1 of the Local Plan. As such the development is considered to result in harm to the openness and visual character and amenity of the countryside contrary to Policy CGB1 of the NHLP
 2. The development the subject of this application, by reason of the amount of hardsurfacing, boundary treatment and vehicular access proposed, would collectively result in an urbanising effect on the locality harmful to the character and appearance of the area contrary to the provisions of Policy SP9 and Policy D1 of the North Herts Local Plan 2011 - 2031.
 3. The application site is located adjacent to the Pirton Conservation Area. The application is not accompanied by a heritage assessment of the impact of the development on the setting of the Pirton Conservation Area. The development introduces a markedly urbanising effect on the historic character and appearance of the area without adequate justification. As such the development is considered to be harmful to the historic character and setting of the Pirton Conservation Area contrary to the provisions of Policy HE1 of the North Herts Local Plan and Chapter 16 of the National Planning Policy Framework 2024.
 4. The development site is located on a classified road opposite a busy junction with Royal Oak Lane and Holwell Road. The Highway Authority consider that the development is likely to lead to conditions prejudicial to highway safety and amenity. As such the development is considered to be contrary to the provisions of Policy T1 of the North Herts Local Plan.
 5. The submitted ecology report concludes that the development results in a loss of habitat and hedgerow units with no proposals for mitigation and or replacement. As such the development fails to achieve a net gain for biodiversity contrary to the provisions of Policy NE4 of the North Herts Local Plan 2011 - 2031.

3.0 **Representations**

Statutory Consultees

3.1 **Herts Highways – No objection**

Hertfordshire Highways (updated response dated 16/04/2026 following submission of additional information) – does not wish to restrict the grant of permission. The following comments are made in the consultee response:

- Background - Highways previously recommended refusal to application No. 25/01198/FP for a lack of information in respect of tracking diagrams to demonstrate how a vehicle towing a caravan can access the site and manoeuvre in to position. Such movements are demonstrated such that access will be in a forward gear when accessing the highway.

- Sustainability - Bus stops are available to both sides of the road (Royal Oak Lane) some 57m away to the East of the site.
- Trip Generation - No significant impact on the functioning of the highway network is identified in this respect.
- Visibility – appropriate sight lines shown on submitted plan are for a 20mph road.
- Parking - Off street spaces will be available on the driveway. Parking levels to LPA requirements. Traffic generation is not considered to be significant.
- Surface water - The Government's flood risk maps for planning indicate the nearby highway carriageway risk of flooding. The application does not appear to indicate how surface water will be discharged from the site, an informative is recommended in this respect.
- Rights Of Way - There are not any ROW footpaths in the area that the proposals will directly affect.
- Conclusion - In summary, the Highway Authority does not wish to restrict the grant of planning permission, although recommend the inclusion of the Advisory Notes in order to ensure compliance with the provisions of the Highways Act.

3.2 Pirton Parish Council – object for the following reasons (summarised):

- Refer to previous refusals at the site.
- Seeks clarification of the status of the site and the Certificate of Lawful Development 95/01050/1EUD and compliance of the existing mobile home. The PC state that they were unable to view 95/01050/1EUD on the public register. (The case is now available to view on the public register).
- Refer to Highways objection.
- Concerns regarding lighting – light pollution, hazard to traffic, impact on dark landscape and neighbouring properties.
- Concerns regarding flooding in the area.
- If permission granted, require conditions relating to landscaping.

3.3 Pirton NP Steering Group – no comment at the time of writing this report.

3.4 North Herts Council Ecologist – “BNG does not apply as it is retrospective and there's no ecological information submitted with the application. As such I have no comments to make.”

3.5 North Herts Council Conservation Officer – the application was reviewed during a surgery session with NHDC Conservation Officer. The Conservation Officer concluded that:

- the existing and proposed development would result in minimal impact on the character and appearance of the Conservation Area with only the very front section of the site falling with the Conservation Area.
- Overall, no harm would be occasioned to the character and appearance of the Conservation Area.
- No objection.

3.6 **Neighbour Representations**

Site and press notice and neighbour consultation has been undertaken.

- 3 objections have been received raising the following concerns:
 - Was a pristine site outside village envelope where no development is allowed.
 - Land should be restored to its original state.
 - Highway safety concerns regarding visibility at junction, unsuitable access location.
 - Reference to previous refusal for 25/01198/FP.
 - Unacceptable development in the countryside.
 - Changes land from agricultural field to developed curtilage.
 - Harm to rural character and landscape setting.
 - Erodes the countryside character of West Lane.
 - Creates pressure for further incremental intensification.
 - Retrospective works and harmful precedent.
- 1 comment in support:
 - The extension of hardstanding supports the provision of a static home which is more sympathetic to the area than a mobile home.
 - Preferable to have access onto West Lane rather than via muddy track.
 - Support proposal to plant trees and hedging to reduce visibility and return plot to more natural landscape which was there before.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site consists of a rectangular shaped site located on the north side of West Lane. It is sited between two residential properties with No 2 West Lane to the west and No 1 Holwell Road to the east. A track leading to an agricultural field to the north runs along the eastern boundary of the site.

4.1.2 A small portion of the front of the site falls within the Conservation Area. The rear of the site backs onto fields. The site is outside the village boundary as defined on the Local Plan proposals map and within the area designated as Rural Area Beyond The Green Belt.

4.2 **Proposal**

4.2.1 Consent is sought for:

“Extension of existing hardstanding. New concrete pad for siting of caravan (Development already carried out). Installation of permeable driveway (Development has commenced). Creation of vehicular access off West Lane.”

4.2.2 The proposal is a revised submission following the refusal of a similar scheme 25/01198/FP which was refused in August 2025. The revised application is for a slightly different siting of the hardstanding and supplies additional information in support of the proposal to clarify issues that arose previously.

4.2.3 It should be noted that the site already has a lawful use for mobile home. This is discussed in more detail below. The consideration of the current application is therefore limited solely to the planning merits of the area of hardstanding (already carried out), the gravel drive (commenced) and the proposed new access.

4.3 Key Issues

4.3.1 The current proposal is a revised submission following the refusal of similar scheme 25/01198/FP which was refused August 2025. The main differences are:

- Removal of existing hardstanding and creation of new hardstanding in centre of the site;
- Proposed landscaping including hedgerow at front of site with tree planting behind;
- Removal of 1m fence at front of site.

4.3.2 Therefore, the key material considerations when assessing the planning merits of the current proposal are whether the submission of the revised plans and additional information in support of the current proposal overcome the reasons for refusal for previously refused application 25/01198/FP.

4.3.3 25/01198/FP was refused for the following reasons (summarised):

- 1) the proposal would result in harm to the openness and visual character and amenity of the countryside contrary to Policy CGB1 of the NHLP.
- 2) urbanising effect on the locality arising from the amount of hardsurfacing, boundary treatment and vehicular access harmful to the character and appearance of the area contrary to Policy SP9 and Policy D1 of the NHLP.
- 3) no heritage assessment of the impact of the proposal on the character and appearance of the Conservation Area. Without adequate justification, the proposal is considered to be harmful to the historic character and appearance of the Pirton Conservation Area contrary to Policy HE1 of the NHLP and Chapter 16 of the National Planning Policy Framework 2024.
- 4) highways objection due to lack of information. Contrary to policy T2 of the NHLP.
- 5) the submitted ecology report concluded that the development would result in a loss of habitat and hedgerow units with no proposals for mitigation and or replacement contrary to Policy NE4 of the NHLP.

4.3.4 Each of these reasons has been addressed below with an assessment of the merits of the current application. Prior to this assessment, it is important to clarify the existing lawful use of the site and what can be considered under this current application.

Lawful Use of the Site

4.3.5 Matters concerning the lawfulness of the use of the site have been raised in the objection by Pirton Parish Council who sought clarification in the officer's report. This is set out below.

- 4.3.6 A Certificate of Lawful Use or Development for “*Retention and continued use of mobile home*” (95/01050/1EUD) was granted 21/11/1995. The reason was specified as:
‘A mobile home in residential occupation has been located on this site for in excess of 10 years.’
- 4.3.7 A Certificate of Lawful Use has no time limit and once issued, remains valid unless consent is issued for an alternative use. The lawful use of the site is therefore for a mobile home.
- 4.3.8 A mobile home shares the same legal definition as a caravan. The Caravan Sites and Control Development Act 1960 defines a caravan as “...*any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted....*”
- 4.3.9 The Caravans Sites Act 1968 s.13 extended the definition of a caravan and provided dimensions that the caravan must not exceed (metric figures replaced original imperial ones October 2006):
- Length – 20m.
 - Width – 6.8m.
 - Internal height – 3.05m.
- 4.3.10 Therefore provided a caravan/mobile home does not exceed these dimensions and can be physically moved, even in sections, then it fits the legal definition of a caravan.
- 4.3.11 Connection of a mobile home to services does not strip a mobile home of its caravan status. Provided the mobile home can be disconnected from the services and moved, it remains a caravan and retains its legal status as such. The critical tests remain – does it fit the dimensions of a caravan and can it be physically moved.
- 4.3.12 A mobile home can be occupied as a permanent place of residence provided that the siting of the mobile home is on land that has the appropriate use in planning terms.
- 4.3.13 Therefore in terms of the application site, the existing mobile home on the site meets the necessary dimensions to be considered a caravan. It can be disconnected from services and can be physically moved. The mobile home on the site therefore meets the necessary criteria to be considered a caravan.
- 4.3.14 The application site has a certificate of lawfulness for the “*Retention and continued use of mobile home*”. The use of the site for the mobile home as a permanent place of residence is therefore lawful in planning terms.
- 4.3.15 It is noted that there is a touring caravan on site. This also meets the necessary criteria discussed above and is lawful in planning terms.
- 4.3.16 The site does have lawful use for a mobile home. If consent is granted, it is considered necessary and reasonable to control this by condition to one mobile home and one touring caravan.

- 4.3.17 It is noted that there are other structures/development on the site that are not lawful. These include two sheds and lighting . These have been discussed with the applicant who has been invited to submit the necessary application for the consideration of these structures/development. They do not form part of the consideration of the current application.
- 4.3.18 In addition, clarification has been sought by the case officer from the applicant regarding the existing septic tank. Information has not been provided at the time of writing this report. If the septic tank does require planning permission, this can be submitted at a later stage with the structures/development noted above.
- 4.3.19 Comments have been received about development being carried out without consent and the removal of a hedgerow fronting the site. Whilst it is noted that development has been carried out without consent, this does not form part of the consideration of this application which must be considered solely on the merits of the information submitted against the relevant policy framework.

Previous Refusals on the Site

- 4.3.20 It is noted that the previous refusals for house/houses on the site have been referenced in objections submitted and by the Parish Council objection and the call in reasons. This is not considered to be relevant to the current application as the proposals are not comparable. Furthermore, the previous schemes were determined under a different national and local planning policy context.

Reason for Refusal 1 - Harm to the Openness and Visual Character and Amenity of the Countryside

- 4.3.21 Reason for refusal 1:

“1. The application site is located beyond the designated Pirton village boundary in the Rural Area beyond the Green Belt in the adopted North Herts Local Plan 2011 - 2031 (NHLP). The development the subject of this application does not meet any of the acceptable forms of development and criteria set out in Policy CGB1 of the Local Plan. As such the development is considered to result in harm to the openness and visual character and amenity of the countryside contrary to Policy CGB1 of the NHLP”

- 4.3.22 The application site is located outside of the village boundary and in the Rural Area beyond the Green Belt (RABGB). Chapter 4 of the Local Plan sets out the Strategic Policies for the district. Policy SP5: Countryside and Green Belt recognises the value of the countryside and sub section d) states that the council:

“d) Will operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of our detailed policies.”

4.3.23 Supporting text at para 4.64 notes that:

“.....it remains appropriate to restrain the types of development allowed in the Rural Area beyond the Green Belt. Our detailed Development Management policies set out the approach that will apply in this area.”

4.3.24 Further supporting text at para 4.66 notes that:

“Both the Green Belt and the Rural Areas Beyond the Green Belt are policy designations designed to restrict the types and amount of new development that can occur.”

4.3.25 Chapter 6 provides the relevant specific Development Management policies referred to in para 4.64 of the Local Plan. Policy CGB1 ('Rural Areas beyond the Green Belt') sets out the broad typologies of development that would be considered acceptable in the RABGB. The developments on site do not fall within any of the categories listed.

4.3.26 However, whilst the proposal does not specifically meet the typologies in Policy CGB1, supporting text at para 6.2 notes that the typologies are broad. The RABGB designation seeks to operate a general policy of restraint, to restrict the types and amount of new development that can occur in order to maintain the openness of the countryside. The designation does not prevent development from occurring. It seeks to control the amount and type of development to a level that would not lead to unacceptable harm to the countryside.

4.3.27 Therefore whilst the broad typologies of CGB1 are not met, each site must be assessed on the specific merits of the proposal and the degree of harm caused to the aims and objectives of the RABGB designation.

4.3.28 It is important to remember that the elements under consideration in this application are the area of hardstanding, the gravel drive and the proposed access only. It is also important to consider the context of the site. The site sits just outside the village settlement boundary within a small enclave of several dwellings on the north side of West Lane/Holwell Road, all of which are outside the village settlement boundary. The site is sandwiched between two dwellings, both of which have reasonable levels of development within their curtilages. The site is not isolated within the countryside nor protrudes out into the wider countryside.

4.3.29 The proposed development is all at ground level. The hardstanding, drive and access do not have a materially greater impact on the openness of the countryside or undermine the general policy aims of RABGB. The location of the site between two existing dwellings means that the contribution of the site to the openness of the countryside is low. The site is not particularly visible from the rear across the fields. It sits within an enclave of neighbouring properties. The greatest impact of the site is from the front on West Lane which is part of the settlement of Pirton and not open countryside.

4.3.30 Some degree of harm to the openness of the countryside is caused as identified in the reason for refusal of 25/01198/FP. However, mitigating features have been submitted as part of the current application that serve to reduce the overall harm previously identified and result in a now supportable scheme.

4.3.31 These mitigating features include the introduction of landscaping to the site including reinstatement of the hedge that was removed and removal of the fence on the frontage. The proposed landscaping will serve to screen the hardstanding further within the site and will reduce the visual impact of the driveway and access. The removal of the fencing and replacement with landscaping will serve to reduce the potential harm to the countryside when viewed from West Lane.

4.3.32 In summary, some degree of harm will arise to the countryside as a result of the proposal, contrary to Local Plan Policy CGB1. However, the mitigating features serve to reduce the degree of harm to a level that does not warrant refusal of the proposal on this basis.

4.3.33 Reason for refusal 1 is overcome.

Reason for Refusal 2 - Urbanising Effect and Harm Caused to Character and Appearance of the Area

4.3.34 Reason for Refusal 2:

"2. The development the subject of this application, by reason of the amount of hardsurfacing, boundary treatment and vehicular access proposed, would collectively result in an urbanising effect on the locality harmful to the character and appearance of the area contrary to the provisions of Policy SP9 and Policy D1 of the North Herts Local Plan 2011 - 2031."

4.3.35 In the refused 25/01198/FP scheme, it was considered that the cumulative effect of hardstanding, removal of soft landscaping including hedgerow, provision of timber boundary fencing and a vehicular access onto West Lane resulted in the erosion of the landscaped character of the site and introduced an urbanising impact.

4.3.36 Local plan policy SP9 states that good design is a key aspect of sustainable development and that new development will be supported where it is well designed and located and responds positively to its local context.

4.3.37 Local plan policy D1 reflects this and states that planning permission will be granted provided that a number of criteria are met including that development proposals respond positively to the site's local context and that they take all reasonable opportunities, consistent with the nature and scale of the scheme, to retain existing vegetation and propose appropriate new planting.

4.3.38 Pirton Neighbourhood Development Plan Policy PNP2 refers to the design and character of residential developments. Whilst the current application is not specifically a residential development, the spirit of the wording is relevant and has been considered. Sub section 2.1 seeks to recognise, respect and reinforce the distinct local, rural character of the village, with particular consideration given to these elements reflected in dwellings in the immediate vicinity of the proposed development. 2.8 of the policy refers to good practice in lighting design and 2.11 seeks to ensure by

design that a development is fully integrated into the village and is not isolated and thereby form “satellite communities” separate from the main village.

- 4.3.39 The relevant policy context therefore requires the proposal to respond positively to the site’s local context, retain existing vegetation and propose appropriate new planting, recognise, respect and reinforce the distinct local, rural character of the village with particular reference to dwellings in the immediate vicinity, and be fully integrated into the village and is not isolated.
- 4.3.40 The site is in a visible location and is particularly visible from the street. Whilst the components of the current application remain similar to the refused 25/01198/FP scheme, a key difference is the reinstatement of landscaping and proposed removal of the 1m fence on the front boundary. The landscaping proposed includes replacement hedgerow at the front of the site, with native trees and large specimen trees behind either side of the drive up to the gravel parking area.
- 4.3.41 The removal of the 1m fence, combined with the proposed landscaping measures will soften the visual impact of the site’s front boundary facing the road. The landscaping will help to screen the gravel driveway and hardstanding to rear. This will reduce the urbanising effect of the proposed access, gravel driveway and hardstanding.
- 4.3.42 It is also noted that the application site is located between two existing dwellings which have a degree of hard landscaping and substantial plot coverage with built form. The hardstanding, driveway and access relate adequately to this local context and the dwellings in the immediate vicinity. The site is integrated into the village (albeit outside the defined village boundary) and is not isolated.
- 4.3.43 A large proportion of the gravel driveway of the current application and all of the hardstanding is set well back from the street and will be screened by the proposed landscaping. The gravel and hardstanding are low level and not particularly visible from the street. Existing vegetation has not been retained which is unfortunate. However, appropriate new planting is proposed.
- 4.3.44 The proposal does result in some degree of urbanising effect as a result on the new access, gravel drive and hardstanding and therefore would result in some harm to the character and appearance of the locality.
- 4.3.45 However, this harm can be mitigated to an acceptable level through the provision of the proposed landscaping and the removal of the existing fence. The new access is not out of keeping with local context along this area of the road in the village which has numerous driveways.
- 4.3.46 It is reasonable and necessary to control the landscaping and removal of the fence by condition.
- 4.3.47 Due to its siting between two existing dwellings, and with the introduction of landscaping and appropriate new planting, and removal of the fence, it is considered that the proposal now relates adequately to its local context.
- 4.3.48 With landscaping and fence removal mitigation, the revised proposal therefore now overcomes the previous reasons for refusal on urbanising effects and complies with Local Plan Policies SP9 and D1 and Policy PNB 2 of the Pirton Neighbourhood Plan.

4.3.49 Reason for refusal 2 is overcome.

4.3.50 Concerns regarding lighting raised by the Parish Council are noted. This is addressed in the report above and the applicant has been invited to submit the necessary application for the consideration of an appropriate lighting scheme.

Reason for Refusal 3 - Impact on Heritage Assets

4.3.51 Reason for Refusal 3:

“3. The application site is located adjacent to the Pirton Conservation Area. The application is not accompanied by a heritage assessment of the impact of the development on the setting of the Pirton Conservation Area. The development introduces a markedly urbanising effect on the historic character and appearance of the area without adequate justification. As such the development is considered to be harmful to the historic character and setting of the Pirton Conservation Area contrary to the provisions of Policy HE1 of the North Herts Local Plan and Chapter 16 of the National Planning Policy Framework 2024.”

4.3.52 Local Plan Policy HE1 requires applications for proposals affecting a designated heritage asset to be accompanied by a Heritage Assessment/Justification Statement. The policy continues that planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they will lead to less than substantial harm to the significance of the designated heritage asset.

4.3.53 Pirton Neighbourhood Plan Policy PNP 8 states that development proposals will be supported where proposals conserve or enhance the heritage assets of the Parish and their settings in a way that is appropriate to their significance.

4.3.54 The front boundary of the application site is located within the Pirton Conservation Area. The 25/01198/FP refused application was not accompanied by a heritage assessment of the impact of the development on the setting of the Pirton Conservation Area.

4.3.55 The current application was reviewed during a surgery session with NHDC Conservation Officer. The Conservation Officer concluded that:

- the existing and proposed development would result in minimal impact on the character and appearance of the Conservation Area with only the very front section of the site falling within the Conservation Area.
- Overall, no harm would be occasioned to the character and appearance of the Conservation Area.
- No objection.

4.3.56 The applicant has submitted an assessment of the site and proposal and potential impact on the Conservation Area. The assessment refers to the Pirton Conservation Area Character Appraisal and Management Plan (March 2023).

4.3.57 The proposed removal of the fencing combined with landscaping proposals including a new hedge means the harm arising from the new access, gravel driveway and hardstanding will not cause unacceptable harm to the character and appearance of the Conservation Area.

- 4.3.58 The applicant notes that grass verges are a prominent part of the Character Area. The proposed works will result in the area in front of the site being available to be reinstated as grass verge which will contribute to the character and appearance of the Conservation Area.
- 4.3.59 Reference is also made to boundary treatments which the Appraisal and Management Plan notes are minimal in the area, limited to hedgerow, picket fencing and tree cover in the Character Area. The applicant notes that this is a feature of the application proposal with the introduction of the hedge and trees. It is noted that this is a key difference to the 25/01198/FP refused application.
- 4.3.60 The Appraisal and Management Plan identifies View 8 as one of the key views of the Character Area. The glimpse of agricultural views will not be interrupted down the access track to the fields. Whilst the original hedge has been removed, the replacement landscaping will soften the new access and screen the driveway and hardstanding, which sit at ground level.
- 4.3.61 The NHDC Conservation Officer raises no objection to the proposal. The proposal responds adequately to the existing scale, height and character of the Conservation Area.
- 4.3.62 It is considered that the previous reason for refusal has been overcome and the proposal meets the requirements of Local Plan policy HE1, Policy PNP 8 of the Pirton Neighbourhood plan and the provisions of the NPPF.
- 4.3.63 Reason for refusal 3 is overcome.

Reason for Refusal 4 - Highways

- 4.3.64 Reason for refusal 4:

“4. The development site is located on a classified road opposite a busy junction with Royal Oak Lane and Holwell Road. The Highway Authority consider that the development is likely to lead to conditions prejudicial to highway safety and amenity. As such the development is considered to be contrary to the provisions of Policy T1 of the North Herts Local Plan.”

- 4.3.65 West Lane is a classified road (C22). The application introduces a new vehicular access onto West Lane in close proximity to the West Lane/ Holwell Road/Royal Oak Lane junction. The Highway Authority previously objected to the 25/01198/FP application due to the absence of any detailed information regarding turning area within the site and therefore concluded that the development would have an adverse impact on highway safety and amenity.
- 4.3.66 The Highway Authority's initial response dated 21/01/2026 to the current application was also an objection based on the absence of necessary information.
- 4.3.67 Following submission of the requested information (Plan GP.03.26) on 14/04/2026, the Highways Authority amended their response to no objection to the proposal. The response noted the following:

- Access - tracking diagrams demonstrate how a vehicle towing a caravan could access the site and manoeuvre into position such that access will be in a forward gear when accessing the highway.
- Sustainability - bus stops are available to both sides of the road (Royal Oak Lane) some 57m away to the East of the site.
- Visibility – appropriate sight lines shown on submitted plan GP.03.26 for a 20mph road.
- Parking - Off street spaces available on the driveway. Parking levels to LPA requirements. Traffic generation is not considered to be significant.
- Surface water - The Government's flood risk maps for planning indicate the nearby highway carriageway risk of flooding. The application does not appear to indicate how surface water will be discharged from the site, an informative is recommended in this respect.
- Rights Of Way - There are not any ROW footpaths in the area that the proposals will directly affect.
- Conclusion - In summary, the Highway Authority does not wish to restrict the grant of planning permission, although recommend the inclusion of the Advisory Notes in order to ensure compliance with the provisions of the Highways Act.

4.3.68 Given the comments above, the proposal complies with Local Plan Policy T1 and Pirton Neighbourhood Plan Policy PNP 11 and the provisions of the NPPF and is acceptable in terms of access, parking and highways.

4.3.69 Reason for refusal 4 is overcome.

Reason for Refusal 5 - Ecology

4.3.70 Reason for refusal 5:

“5. The submitted ecology report concludes that the development results in a loss of habitat and hedgerow units with no proposals for mitigation and or replacement. As such the development fails to achieve a net gain for biodiversity contrary to the provisions of Policy NE4 of the North Herts Local Plan 2011 - 2031.”

4.3.71 The 25/01198/FP application ecology report concluded that the development would result in a loss of habitat and hedgerow units with no proposals for mitigation and or replacement contrary to Policy NE4 of the Local Plan.

4.3.72 As a retrospective application there is no BNG requirement. BNG requirement is a pre commencement condition and cannot therefore be applied to a retrospective application. However, the proposed landscaping will increase biodiversity across the site over and above the existing position.

The applicant has invited an Ecological Enhancement Plan condition to secure future ecological enhancements and this is considered to be reasonable and necessary.

4.3.73 Reason for refusal 5 is therefore addressed.

Impact on neighbouring properties

- 4.3.74 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. The development includes the new site access, area of hardstanding and gravel driveway. These elements will not result in any unacceptable harm being caused to neighbouring amenity.
- 4.3.75 The requirements of Local Plan policy D3 and the relevant provisions of the NPPF are therefore met.

Flooding

- 4.3.76 Pirton Parish Council has raised concerns about flooding in the area. Hertfordshire Highways comments also refer to surface water and that application does not appear to indicate how surface water will be discharged from the site. The gravel drive is stated to be permeable by the applicant. As such, surface water would be addressed by the provision of permeable material.

Objections Submitted

- 4.3.77 The objections are considered to have been addressed in the report above and summarised below:
- Was a pristine site outside village envelope where no development is allowed* – the site has a certificate of lawfulness for mobile home approved in 1995.
 - Land should be restored to its original state* - the site has a certificate of lawfulness for mobile home approved in 1995.
 - Highway safety concerns regarding visibility at junction, unsuitable access location* – County Highways raise no objection.
 - Reference to previous refusal for 25/01198/FP* – addressed in report above.
 - Unacceptable development in the countryside* - addressed in report above.
 - Changes land from agricultural field to developed curtilage* - the site has a certificate of lawfulness for mobile home approved in 1995.
 - Harm to rural character and landscape setting* – addressed in report above.
 - Erodes the countryside character of West Lane* - addressed in report above.
 - Creates pressure for further incremental intensification* – any future development would be assessed independently on its planning merits.
 - Retrospective works and harmful precedent* - any future development would be assessed independently on its planning merits.

- 4.3.78 Pirton Parish Council objection – considered to be addressed in the report above.

4.4 Conclusion

- 4.4.1 The site's lawful use is for the siting of a mobile home. The consideration of the current application is therefore limited solely to the planning merits of the area of hardstanding, the gravel drive and the proposed new access.
- 4.4.2 The proposal is a revised submission following the refusal of similar scheme 25/01198/FP which was refused August 2025. The revised application supplies additional information in support of the proposal to clarify matters and support the proposal and some mitigation features.
- 4.4.3 It is considered that the submission of additional information for clarification and justification of heritage and highways matters, combined with the introduction of replacement and additional landscaping to the front of the site.

4.5 Alternative Options

- 4.5.1 None applicable

4.6 Pre-Commencement Conditions

- 4.6.1 N/a.

4.7 Climate Change

- 4.7.1 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste.

5.0 Recommendation

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

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

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

2. The occupation of the site shall be for one mobile home and one touring caravan only unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reflect the lawful use of the site as set out in the lawful development certificate 95/01050/1EUD and to safeguard the appearance of the site and the visual amenity of the locality, and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

3. Within 3 months of the date of the consent hereby issued, full details of a comprehensive hard and soft landscaping scheme (including planting details and timescales for planting and implementation) and including front boundary treatment shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy D1 and Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

4. The approved soft landscaping / planting details shall be carried out in accordance with the timescales agreed by the discharge of condition 3. Any trees or plants which, within a period of 5 years from the date of the approval of this consent 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 D1 and Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

5. Within 3 months of the date of the consent hereby issued, the existing timber fence sited along the site's boundary facing towards West Lane and returning 2m along the site's east boundary along the track off West Lane, shall be removed in its entirety.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to protect against harm to the character and appearance of the Conservation Area and to comply with Policy D1 and Policy HE1 of the North Hertfordshire Local Plan 2011 to 2031.

6. Within 3 months of the date of the consent hereby issued, full details of an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as bird/bat and bee boxes, hedgehog holes in fences and hibernacula has been submitted to and approved in writing by the local planning authority. The approved measures must be implemented on site within 9 months of the issue of this consent and retained on site thereafter.

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

Proactive Statement

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

Informatives:

1. 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.

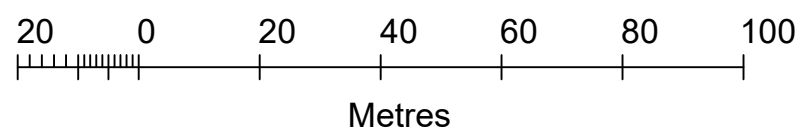
2. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
3. 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
4. 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.
5. 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.
6. Gravel / shingle driveways: Where loose gravel or shingle is used, a suitable measure to prevent material spilling onto the road/footpath/verge must be installed. It is an offence under section 148 of the Highways Act 1980 to deposit debris onto the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Further information is available by telephoning 0300 1234047.
7. 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.

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Location Plan 1:1250
 Licence number AC0000806982
 Drawing n° GP/01/25



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<u>Location:</u>	151C Bearton Road Hitchin Hertfordshire SG5 1UB
<u>Applicant:</u>	Mr Abdul Mumin
<u>Proposal:</u>	Variation of Condition 3 (to allow a limited and controlled extension of operating hours on Sundays, restricted to delivery-only takeaway service between 16:00 and 20:00) of planning permission 95/00276/1 granted 24.05.1995.
<u>Ref. No:</u>	26/00403/S73
<u>Officer:</u>	Melissa Tyler

Date of expiry of statutory period 5 May 2026

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

Reason for referral to Committee Cllr Albert: Call in application if minded to approve the proposed development as he supports the objections of residents that this would interrupt their quiet enjoyment and create further noise.

1.0 **Planning Policies**

1.1 **North Hertfordshire Local Plan 2011-2031**

SP1 – Sustainable Development in North Herts
SP3 - Employment
D3 – Protecting Living Conditions
T2 – Parking

1.2 **National Planning Policy Framework**

Section 6 – Building a strong, competitive economy
Section 7 – Promoting safe and healthy communities
Section 12 – Achieving well-designed places

1.3 **Supplementary Planning Document**

Vehicle Parking at New Development SPD

2.0 Site History

- 2.1 **93/01364/1** - Change of use from retail to the preparation and sale of hot food (as amended by plan received 2.2.94) – Granted Conditional Permission on 23/02/1994.
- 2.2 **95/00276/1** - Change of use of Units B & C to hot food takeaway (as amended by plan and letter received on 19.5.95) – Conditional Permission granted on 25/05/1995.
Condition 3 – The use of the property within Class A3 of the Town and Country Planning (Use Classes) Order 1987, (or as amended) hereby approved, shall only operate between the hours of 11 am and 9.00 pm Monday to Saturdays.
- 2.3 **96/01247/1** - Variation of condition 3 of planning permission 95/0276/1 restricting opening hours – Granted Conditional Permission on 19/12/1996.
- 2.4 **20/02825/S73** Variation of condition 3 of Planning permission 95/00276/1 granted 24.05.1995 to extend opening hours to Monday to Sunday 11am- 10:30pm. Refused 05.02.2021
Reason for refusal: *The extended opening hours, due to noise and disturbance caused by the use of the site, would result in having an unacceptable impact on the residential amenity of nearby neighbouring occupiers. The proposed development would therefore fail to comply with Policy 57 of the Saved Local Plan, Policy D3 of the Emerging Local Plan and Section 8 and 12 of the National Planning Policies Framework (2019).*
- 2.5 **22/00254/S73** The use of the premises as a hot food takeaway (Use Class Sui-Generis), shall only operate between the hours of 11.00am and 10.30pm Monday to Saturdays and between the hours of 4.00pm and 9.30pm on Sundays (including Bank Holidays) as variation of condition 3 of Planning permission 95/00276/1 granted 24.05.1995.
REFUSED
Reason: Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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.

3.0 Representations

- 3.1 Site notice/neighbours:

Support – 5 neighbours in support summary:

- Existing issues of noise and disturbance in the area are attributed by supporters to another nearby business rather than the application site.
- Supporters state they have not experienced noise, odour, litter, or disturbance arising from the takeaway.
- Several neighbouring residents consider the business to be responsibly managed and respectful of neighbouring amenity.
- No objections to the proposed Sunday opening hours (4pm–8pm).
- Support expressed on the basis that proposed conditions are strictly adhered to, particularly:

- limited 4-hour Sunday opening period; and delivery-only operation.
- Recognition that compliance and enforcement of conditions would rest with the local planning authority.
- The premises has operated as a takeaway at the site for over 30 years, indicating an established commercial use.
- Supporters consider the proposed Sunday hours unlikely to adversely affect residential amenity.
- Representations highlight the economic benefits of the business, including:
 - supporting a small independent trader;
 - providing local employment;
 - contributing to the local economy/community; and
 - Some supporters consider the proposal would provide an additional local service for residents without causing material harm.

Objections – 4 neighbours objecting summary:

- Concerns that the proposal conflicts with previous decisions and policies within the Local Plan.
- Existing operation is alleged to already generate unacceptable levels of noise and disturbance affecting residential amenity.
- Specific concerns regarding:
 - -kitchen noise from the rear door being left open;
 - banging of utensils/pots and pans;
 - staff voices and movement between indoor and outdoor areas; and
 - operation of extraction/ventilation equipment.
- Objections that operational activities are extending outside the building, including use of external storage facilities.
- Concerns that the proposed “delivery-only” Sunday operation would be difficult to monitor and enforce effectively.
- Concerns that Sunday opening would increase:
 - delivery traffic;
 - vehicle movements;
 - parking pressures; and
 - associated noise disturbance.
- Concerns regarding highway and pedestrian safety arising from delivery driver behaviour, including reversing manoeuvres near a zebra crossing/junction; and illegal or inconsiderate parking.
- Concerns that additional Sunday trading would harm the quiet residential character of the area, particularly at weekends.
- Objections reference existing anti-social behaviour and disturbance associated with nearby takeaway premises and concern that additional opening hours could worsen these issues.
- Concern that approving the application could set a precedent for neighbouring takeaways to seek similar Sunday opening permissions, leading to increased commercial activity throughout the week.
- Residents state that cumulative impacts from noise and activity are affecting quality of life and sleep.

- Some objections argue there is no demonstrated need for additional takeaway provision in the area due to the number of similar nearby businesses.

Statutory Consultees

3.2 **Environmental Health (Noise):** *Due to the location and proposals, I have no objections to the application. Environmental Health consider that the limited proposed hours of operating allied to the delivery only mode of trading would result in limited/insignificant impact on the residential amenity of nearby dwellings.*

3.3 **Herts Highways** - *Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.*

The application for a variation of change of hours for the above site has no highway implications therefore the Highway Authority would not wish to comment.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The application site comprises a two-storey building currently used as a hot food takeaway on the ground floor. It is situated on the north side of Bearton Road adjacent to the junction with Brampton Park Road within a small terrace of commercial properties which includes another hot food takeaway and a general store.

4.1.2 The area is predominantly residential in character and includes traditional Victorian terraced properties and, opposite the site, a 1950s/1960s residential block.

4.2 Proposal

4.2.1 Permission is sought for the variation of condition 3 of the original planning permission for the premises – ‘to allow a limited and controlled extension of operating hours on Sundays, restricted to delivery-only takeaway service between 16:00 and 20:00) of planning permission 95/00276/1 granted 24.05.1995.

4.2.2 The applicant has confirmed there will be 4 employees, one of which is an inhouse delivery driver.

Key Issues

4.2.3 In dealing with applications made under S 73 Local Planning Authorities are required to only consider the question of the condition and must leave the permission intact. Local Planning Authorities are empowered to:

- Grant permission subject to conditions differing from those subject to which the previous permission was granted or
- Grant permission unconditionally or
- Refuse the application.

- 4.2.4 The application site is situated within a predominantly residential area of Hitchin with residential dwellings to the rear and a shop to the left and another takeaway shop immediately east at the junction with Brampton Park Road. The key issue for consideration is the impact the proposal would have on the amenity of neighbouring occupiers.

Enforcement/neighbouring premises

- 4.2.5 Several representations have referred to the neighbouring Uptown Pizza Enforcement case against unauthorized opening hours. However, the proposed extension of operating hours on Sundays from 16:00 to 20:00 should be assessed on its own planning merits, with regard to the scale of the operation, the nature of the surrounding area, and any potential impacts on residential amenity. While it is acknowledged that a separate takeaway premises within the locality has been subject to enforcement action due to adverse impacts arising from late-night trading, it is important to note that each planning application must be determined independently and based on its own specific circumstances. The existence of enforcement issues at another site does not justify refusal of this application. Instead, consideration should focus on whether the proposed hours, which are notably limited in duration and early in the evening, would give rise to unacceptable impacts in terms of noise, disturbance, or general amenity for nearby residents.

Impact on Neighbours

- 4.2.6 The site is located within a predominantly residential area, where the protection of neighbouring amenity is a key material consideration. Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to neighbour amenity.
- 4.2.7 The site is currently operating as a hot food takeaway/delivery unit in accordance with the original planning permission (ref: 95/00276/1), where hours of operation were limited by condition between 11am and 9pm Monday to Saturdays. Permission was then granted under application reference number 96/01247/1 to extend these opening hours to 10.30pm. The proposal seeks to vary the hours of operation to include from 1600 to 2000 on Sundays. Looking at google the advertised opening hours are 1630 -2200 Monday to Saturday.
- 4.2.8 Four representations have been received from nearby residents objecting to the proposal. The concerns raised primarily relate to the potential for increased noise and disturbance, particularly associated with vehicle movements, delivery drivers arriving and departing, and general activity during what is typically regarded as a quieter period of the week. These concerns have been given careful consideration in the assessment of the application. There have also been five representations from neighbours supporting the proposal.
- 4.2.9 In this instance, it is considered that the proposed extension of hours is relatively modest, limited to a four-hour period in the early evening on Sundays only. The delivery-only nature of the operation is a material factor, as it would not give rise to customer congregation at the premises, thereby reducing associated noise and disturbance typically linked to takeaway uses.

- 4.2.10 While delivery activity has the potential to generate noise and disturbance, this is expected to be intermittent albeit they would be concentrated in the restricted hours proposed. Furthermore, the early evening timeframe (ending at 20:00) is not considered to be unduly late to give rise to unacceptable harm to residential amenity.
- 4.2.11 The Council's Environmental Health Officer raises no objections to the application and no requirements for further information, such as a noise report, to be submitted.
- 4.2.12 As the proposal is for delivery only and the premises will not be open for customers to pick up and order food the additional footfall and associated impacts on amenity of neighbouring residential properties will not be excessive.
- 4.2.13 However, in line with what has been enforced at the neighbouring commercial unit and at other hot food businesses in the district, it is considered reasonable to grant temporary permission of 12 months to enable an assessment of the impact of this premises opening on a Sunday.
- 4.2.14 As part of the previously refused application for extended hours in 2022 (this was not limited to delivery only) the following was stated:
"Typical of many modern hot food businesses, the applicant serves a wider customer base than just the immediate locality. Delivery drivers are employed to meet this wider demand. These drivers and normal local customers visiting the site create more general noise and disturbance from their comings and goings. To understand this more fully, the applicant has provided some information relating to visits to and from the site by delivery drivers on peak days – Friday and Saturday. This data was collected during four weekends in June and July. This confirmed that typically there are 3 delivery drivers creating an average of 14 visits in the course of a working day."
- 4.2.15 Compared to the previous applications made in 2020 and 2022 to vary condition 3, Sunday operating hours between 1600 and 2000 and delivery only, it is anticipated that there would be approximately 10-12 deliveries (by an inhouse driver) during these Sunday opening times.
- 4.2.16 The issue of general noise and disturbance in connection with an application to extend opening hours of the adjacent hot food takeaway at 151B Bearton Road on Sundays from 12 noon to 10.30pm was considered in 2006 (application reference 06/00592/1 - appeal reference APP/X1925/A/06/2032549). In dismissing the appeal, the Inspector commented that *"the additional comings and goings associated with the proposed extension of opening hours and the consequent slamming of car doors, manoeuvring of vehicles and general level of activity would unacceptably affect the living conditions of residents in the nearby properties through noise and disturbance"*.
- 4.2.17 The key difference between this current application and the recently refused application (and the dismissed appeal on the adjacent site) is the period that the premises would be open (four hours) compared to a ten and half hours long proposed extension. It is considered that the general noise and disturbance activities identified by the appeal inspector will be similar although less intense and prolonged due to the shorter opening hours currently sought and restriction to delivery only. In considering this application it is

important to bear in mind the existence of the adjacent hot food takeaway. If this variation of the opening day/times condition is allowed, a precedent would be created. However, the proposal is very limited in period and with a relatively early (8pm) closure, setting a very limited precedent. Moreover, if this proposal is found to cause unacceptable harm to the living conditions of neighbours, control would be retained insofar as a condition is recommended limiting the permission to a temporary period of 12 months.

- 4.2.18 It would be difficult to also mitigate impacts by, for example, limiting the number of delivery drivers that can operate at the premises on a Sunday as this is unlikely to pass the necessary tests set out in guidance relating to conditions, particularly in relation to enforceability. However, I have proposed a condition for the occupier to implement measures to refuse a customer collection from the premises.
- 4.2.19 As such, it is anticipated that the proposal would not cause unacceptable harm to living conditions, in line with Policy D3 of the Local Plan and is therefore being recommended for a temporary period of 12 months.

4.3 Conclusion

- 4.3.1 Having regard to the site history, relevant planning policies, consultation responses and representations received, it is considered that the proposed Sunday opening hours, limited to a four-hour period between 16:00 and 20:00 and restricted to delivery-only operations, represent a materially different and more constrained form of development compared to previously refused schemes. The reduced duration and nature of the operation are such that any associated comings and goings, including those of delivery drivers, would be limited in frequency and intensity. Furthermore, no objection has been raised by Environmental Health in respect of noise and disturbance.
- 4.3.2 While concerns raised by local residents regarding noise, disturbance, and precedent have been carefully considered, it is concluded that, on balance, the proposal would not result in unacceptable harm to residential amenity, having regard to Policy D3 of the Local Plan. It is also noted that each application must be assessed on its own planning merits, and the circumstances of nearby premises, including any enforcement matters, are not determinative in this case.
- 4.3.3 In order to appropriately monitor the impact of the development and address any unforeseen amenity issues, it is considered reasonable and necessary to grant permission on a temporary basis for a period of 12 months. This will enable the Local Planning Authority to assess the effects of the Sunday operation before considering any application for a permanent arrangement.
- 4.3.4 Subject to the imposition of appropriate conditions, the proposal is therefore considered acceptable and recommended for approval on a temporary basis.

4.4 Alternative Options

- 4.4.1 None applicable.

4.5 Pre-Commencement Conditions

- 4.5.1 None applicable.

5.0 **Legal Implications**

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

6.0 **Recommendation**

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

Hours

1. The use of the property within Sui Generis of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, (or as amended) hereby approved, shall only operate between the hours of 11:00 and 22:00 Monday to Saturdays and Sunday between 16:00 and 20:00

Reason: To protect the residential amenities of existing residents and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

Temporary Use

2. The operation hours for Sundays hereby permitted shall be for a limited period of 12 months from the date of this decision. The use hereby permitted with extended hours of operation shall be discontinued and may revert to those restricted hours of operation under permission reference 95/00276/1.

Reason: Permission has been granted for a temporary period solely to monitor the use and the appropriateness of the extended opening hours in regard to amenity of neighbouring properties, in line with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

Delivery Only Operation

3. The use hereby permitted shall operate on a delivery-only basis and shall not be open to members of the public for the collection of food or drink on a Sunday. No customers shall be permitted to enter the premises on Sundays for the purposes of ordering or collecting goods, and no over-the-counter sales shall take place.

The operator shall implement and retain measures to prevent customer collection from the premises, including but not limited to: clear signage displayed on the site and on any ordering platforms stating that no collection is permitted; the disabling of any “click and collect” or similar options; and procedures requiring staff to refuse service to any customers attending in person.

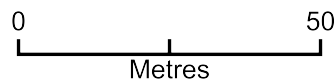
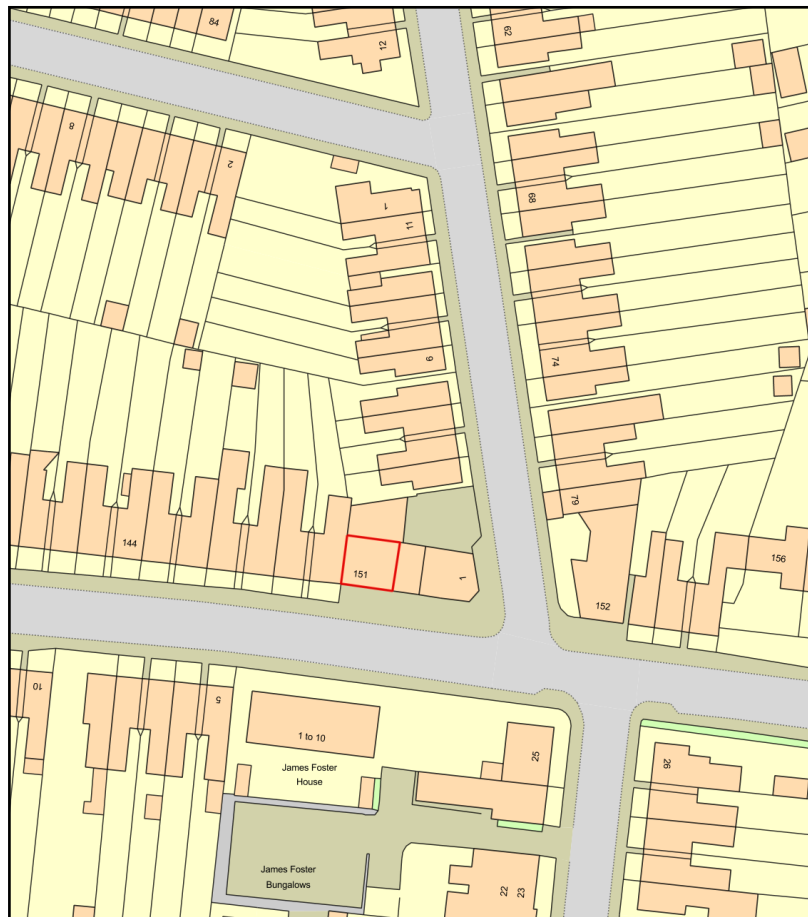
Reason: To protect the amenities of neighbouring residential occupiers by minimising noise, disturbance, and general activity at the site, in accordance with Policy D3 of North Hertfordshire Local Plan 2011 to 2031

Proactive Statement

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

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151C Bearton Road, Hitchin



Plan Produced for: Mr Abdul Mumin
Date Produced: 26 Feb 2026
Plan Reference Number: TQRQM26057202140491
Scale: 1:1250 @ A4

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Location: Land At Mill Lane (London Road End) St Ippolyts, SG4 7NN

Proposal: Tree Preservation Order

Ref no: TPO/00226

Officer: Francis Mabbett

1.0 Proposal

- 1.1 Tree Preservation Order TPO/00226 (2026) - T1 Hornbeam, G1 3x Hornbeam, G2 3x Oak, G3 2x Hornbeam & 1x Sycamore, T2 Lime, T3 Oak, G4 5x Horse Chestnut, 3x Oak, 7x Walnut, 12x Lime, T4 Field Maple of Land at Mill Lane (London Road End) St Ippolyts SG4 7NN

2.0 Site History

- 2.1 In accordance with The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 North Hertfordshire Council served a provisional Tree Preservation Order dated 12 February 2026 in respect of the above which provides for a period of 6 months for the Local Planning Authority to confirm the Order.
- 2.2 25/02885/OP validated 24.11/2025 - Erection of up to 41 dwellings with associated infrastructure and open space (all matters reserved except means of access) – decision pending.

3.0 Representations

- 3.1 A period of 28 days from the date of service of a provisional Tree Preservation Order provides for comments to be made. In this case, one letter was received supporting the TPO on the whole, but also requesting it be modified to omit certain trees in G4 for the following reasons:
- It will obstruct a site design for high-quality development.
 - Reduced life expectancies of Walnut trees because of their decay features, which are considered to increase the likelihood of partial collapse in the coming years.
 - T13 and T22 reduced condition, life expectancy, and quality due to advanced Bleeding Canker disease symptoms, compared to the two horse chestnuts that are retained.

- Ecological Impact Assessment identified no significant effects from the proposed tree removals.
- Compensation for tree removals through new tree planting will also provide the site with a tree population of greater longevity and future landscape contribution than those in a mature state of life and with reduced life expectancy due to decay or disease.
- Request that the TPO is confirmed with modification, to exclude trees shown for removal on the extant planning application (25/02885/OP).

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 Land at Mill Lane (London Road End) St Ippolyts SG4 7NN consists of two distinct areas, located on the south side of Mill Lane, linked together south of the property known as Sloe Hill. The eastern area is predominantly open pasture with a small, wooded area of less than 0.5ha to the north, containing mainly semi-mature and mature trees. The western area consists of more scattered, predominantly young, tree cover over grassland, with a line of mature trees along the southern boundary.

4.1.2 Tree cover in the surrounding area is reasonably sparse due to the arable nature of the landscape, with the only significant wooded feature present along Ippolyts Brook approx. 230m to the east. The new development site to the east, on the opposite side of London Road previously approved 21/00434/HYA is almost devoid of existing mature tree cover.

4.1.3 The subject application site is overlooked by residents to the North and South of Mill Lane, residents to the East and West of Mill Rd and future residents of the aforementioned new development. It is also visible to users and properties along London Road.

4.2 Key Issues

4.2.1 When considering whether to confirm the TPO, it is essential that the following points be considered:

- The tree(s) or woodland amenity value.
- The impact removal would have on the local environment and its enjoyment by the public.
- That protection would bring a reasonable degree of public benefit in the present or future.
- It is expedient to make an order.
- Other relevant factors such as wildlife, conservation and climate change however these alone would not warrant making an Order.

4.3 Consideration

- 4.3.1 Trees represent an important environmental, economic and amenity resource within the built and natural environment. They are recognised within the England Trees Action Plan 2021-2024; The Town and Country Planning Act 1990 (as amended) and the North Hertfordshire Council Tree Strategy 2017 and Climate Change Strategy 2020-2025. In addition to these, Section 14 (Meeting the challenge of climate change, flooding and coastal damage) of the NPPF and Policies SP12 – Green Infrastructure, biodiversity and landscape and NE1 – Landscape, all seek to support the contribution trees make to the natural environment.
- 4.3.2 Prior to the making of the provisional TPO, a visual assessment of the trees was undertaken by the council’s Tree Officer. The trees were assessed for TPO worthiness using TEMPO [Tree Evaluation Method for Preservation Orders – Julian Forbes-Laird] a defensible system used by many Local Authorities. TEMPO is a useful tool which when applied fairly provides a measurable assessment of amenity value and condition of trees. If applied fairly and consistently it will support the serving of a TPO, or the decision to not serve a TPO. Trees were assessed appropriately either individually or collectively as a group.
- 4.3.3 The TEMPO assessment scored the trees highly within the bounds of “TPO defensibility” category and were considered to make a significant contribution to amenity of the area presently and in the future. The retention of these trees and their subsequent protection by means of a Tree Protection Order being placed on them is expedient with the submission of 25/02885/OP and concerns for tree loss by the members of the public who requested TPO protection. This TPO is based on the merits of amenity value, the current/future visibility, the useful life expectancy and the high public benefit provided by the trees.
- 4.3.4 In terms of the objections received, the trees solely in G4 of the TPO were identified. These trees have the greatest impact in obstructing access for the proposed development of site, (subject of application 25/02885/OP), in relation to an approved roundabout as part of the nearby development (application 21/00434/HYA). The trees were assessed without prior knowledge of the full details of 25/02885/OP, which is currently being considered, and so beyond identifying the site, the application details had no bearing on which trees are protected. However, full consideration should be given to all alternative courses of action with regards potential access positions and appropriate construction techniques that would look to retain quality trees such as those in G4, rather than condemn them on grounds of an approved roundabout.
- 4.4.5 A Group TPO is made when it’s overall impact and quality merits protection. It is logical to include all trees within a species (provided they are not dead or dangerous), even if some have a slightly impaired condition. This is because identifying individual trees of the same species marked on a plan as an area within a broken black line, is rarely straight forward and this omits confusion about, which trees are or are not protected. This is why some Walnuts of inferior

condition are included in the TPO and may require some remedial work to ensure longevity. They will also provide a valuable habitat resource until they are no longer safe to retain at which point they will ideally be replaced, but without significantly affecting the overall appearance or amenity of the group.

- 4.4.6 It is accepted that there is variation in the condition/life expectancies of the trees within G4 and it is good practice that trees with less than ten years' remaining life expectancy are not worthy of a TPO. However, all the subject trees are expected to exceed this.
- 4.4.7 T13 and T22 Horse Chestnuts are considered to be moderate value trees and do not yet appear to express significant disfiguring or amenity loss due to their Bleeding Canker disease symptoms from which they may well recover. They currently offer noticeable visual benefit, which should persist into the future. They are at present suitable for retention and their removal is regarded as premature.
- 4.4.8 The objection proposes the removal of ten trees from G4 of the TPO, no less than nine of which are B category trees in accord with BS5837:2012 and described in the arboricultural report submitted with objection as:

“CATEGORY B: MODERATE QUALITY

Trees or groups of some importance with a likely useful life expectancy in excess of 20 years. Their retention would be desirable; selective removal of certain individuals may be acceptable but only after full consideration of all alternative courses of action.”

- 4.4.9 The TPO could be modified to exclude the ten trees identified in the objection and required for removal to facilitate the proposed development. But it is their collective amenity as a group within the landscape that is considered important and should be retained. Without the TPO for protection the development would see the number of trees in G4 reduced by more than 30% with an estimated in excess of 50% of canopy cover of this group lost, leaving it unrecognisable as a landscape feature.

5.0 Environmental Implications

- 5.1 The trees without doubt provide many amenity benefits to the site and surrounding area as they are a natural foil for the built environment. They soften the harshness of roads and provide screening to existing dwellings, while at the same time adding grandeur and a sense of maturity to any new development.
- 5.2 They provide other benefits such as noise absorption and dissipation, pollution filtering, reduction in wind speed and have a cooling and freshening effect on the air around them, which is particularly important in the hot summers of late. They are a verdant reminder and a connection with nature providing habitats, expressing the changes in seasons and improving mental health and wellbeing to all within the vicinity.

5.3 Trees are a key element of the green infrastructure network, providing microclimate effects which help reduce energy demands on buildings. They contribute a key role in helping to tackle the climate emergency and creating a greener district. Existing semi-mature to mature tree cover is generally already at or close to its peak environmental benefit and represents a key resource that can significantly contribute to climate change adaptation, which is so vitally important in this time of climate crisis. Any mitigation planting takes decades before it delivers significant environmental benefits and even longer to reach the same peak benefits in replacing like for like canopy cover currently provided by existing trees. New tree planting, although vitally important to future climate proofing, should look to enhance existing tree cover, rather than merely be used to mitigate tree cover lost to a development, as the environmental adaptation benefits of mature trees are needed now, not in the 30-40+ years that it takes for new trees to reach peak benefit.

6.0 Legal Implications

6.1 There are no financial implications for the council at this stage. Compensation is potentially payable only where sufficient evidence has been provided by an applicant to support an application to carry out works to a protected tree and where that application is refused.

7.0 Human Rights Act Implications

7.1 The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions, but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees) and subject to the conditions provided for by The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and by the general principles of international law.

8.0 Alternative Options

8.1 If the Provisional Tree Preservation Order (TPO/00226) is not confirmed then the trees would be controlled by the conditions attached to the temporary order until the 6 months expires, after which time they would be at risk of removal without constraint.

9.0 Conclusion

9.1 The Government Guidance for Tree Preservation Orders and trees in Conservation Areas states;

“Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”

The trees of TPO/00226 (2026) provide vital amenity and environmental/public benefits to the current and future residents of the surrounding area. Existing mature canopy cover is vitally important at this time of climate crisis. It contributes positively to the council's objectives of reducing global warming and carbon emissions and cannot be replaced immediately by new tree planting, which will take decades to provide equal benefit. Without the TPO protection a large proportion of mature tree cover is likely to be removed as part of a proposed new development on the site and only confirming the TPO can ensure this does not occur.

- 9.2 Should the TPO be confirmed, it does not result in the inability to maintain the trees or remove trees whose retention can no longer be justified. Instead, it requires the submission of a tree works application to the Local Planning Authority who will consider the impacts to the trees and any evidence submitted to justify the works. Such matters would also be considered as part of the current application for residential development, a separate works to tree application would not be required under such circumstances, the proposed removal of protected trees would be considered in the assessment of that application. It also ensures replacement trees can be conditioned where appropriate and quality trees are not lost to new development proposals unnecessarily.

10.0 Recommendation

- 10.1 The provisional Tree Preservation Order TPO/00226 (2026) be **CONFIRMED without modification.**

Location plans for TPO/00226 (2026)



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Location: Land At Colemans Road, Breachwood Green, SG4 8PA

Proposal: Tree Preservation Order

Ref no: TPO/00228 (2026)

Officer: Francis Mabbett

1.0 Proposal

- 1.1 Tree Preservation Order TPO/00228 (2026) - T1 Oak , T2 Yew of Land at Colemans Road, Breachwood Green, Hertfordshire, SG4 8PA

2.0 Site History

- 2.1 In accordance with The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 North Hertfordshire Council served a provisional Tree Preservation Order dated 12 February 2026 in respect of the above which provides for a period of 6 months for the Local Planning Authority to confirm the Order.
- 2.2 25/02835/PRE2 validated 11.11.2025 - Follow up pre-app advice in relation to 25/00706/PRE - Development of the site to provide 2.no residential dwellings.

3.0 Representations

- 3.1 A period of 28 days from the date of service of a provisional Tree Preservation Order provides for comments to be made. In this case, one letter of objection has been received, raising the following concerns:
- Tree Preservation Order does not meet the required tests of expediency or necessity.
 - The trees are already being properly maintained, there is no identifiable threat to amenity, no intention of removing them.
 - The application appears to arise from a private dispute rather than the public interest.
 - The TPO would impose unnecessary administrative constraints, this could hinder, rather than support, good arboricultural practice.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 Land at Colemans Road, Breachwood Green, Hertfordshire, SG4 8PA consists of a corner plot bordered by Coleman Road on the western and southern boundary, with the property “Woodruff” to the East and a manège on the northern boundary. The site is overlooked by properties along Colemans Road and both trees are highly visible to passers-by using the road. T1 Oak is a young tree with good form and T2 Yew is in a prominent position in the corner of the plot marking a bend in the road.

4.2 Key Issues

4.2.1 When considering whether to confirm the TPO, it is essential that the following points be considered:

- The tree(s) or woodland amenity value.
- The impact removal would have on the local environment and its enjoyment by the public.
- That protection would bring a reasonable degree of public benefit in the present or future.
- It is expedient to make and order.
- Other relevant factors such as wildlife, conservation and climate change however these alone would not warrant making an Order.

4.3 Consideration

4.3.1 Trees represent an important environmental, economic and amenity resource within the built and natural environment. They are recognised within the England Trees Action Plan 2021-2024; The Town and Country Planning Act 1990 (as amended) and the North Hertfordshire Council Tree Strategy 2017 and Climate Change Strategy 2020-2025. In addition to these, Section 14 (Meeting the challenge of climate change, flooding and coastal damage) of the NPPF and Policies SP12 – Green Infrastructure, biodiversity and landscape and NE1 – Landscape, all seek to support the contribution trees make to the natural environment.

4.3.2 Prior to the making of the provisional TPO, a visual assessment of the trees was undertaken by the council’s Tree Officer. The trees were assessed for TPO worthiness using TEMPO [Tree Evaluation Method for Preservation Orders – Julian Forbes-Laird] a defensible system used by many Local Authorities. TEMPO is a useful tool which when applied fairly provides a measurable assessment of amenity value and condition of trees. If applied fairly and consistently it will support the serving of a TPO, or the decision to not serve a TPO. Trees were assessed appropriately either individually or collectively as a group.

- 4.3.3 The TEMPO assessment scored both trees highly and within the bounds of the “Definitely merits a TPO” category. They are considered to make a significant contribution to amenity of area presently and in the long-term. The retention of these trees and their subsequent protection by means of a Tree Protection Order being placed on them was expedient with the submission of pre-application enquiries and concerns for the trees’ loss prior, during or post development if a planning application was to be made. This TPO was based on the merits of amenity value, the current/future visibility, the useful life expectancy and the high public benefit provided by the trees.
- 4.3.4 In terms of the objections received, it was stated there was no intention to remove the trees. The arboricultural report submitted with the objection confirms this; however, these trees are not within a Conservation Area, therefore they have no statutory protection and are currently open to being removed. In the instance of a full planning application being approved the trees would only be afforded protection by an appropriately worded condition that would have no permanence.
- 4.3.5 It is stated there was no immediate threat to the trees and although this is agreed, the future potential threat is foreseeable, with the proximity of the trees to a potential new development on the site and their inevitable increase in size. This will undoubtedly apply future pressures to prune or remove the trees and if the property were to change hands, any new owners/occupiers could potentially have a negative opinion of the trees.
- 4.3.6 The issues of a personal dispute were not disclosed prior to making of the TPO and had no bearing on and are not material to the assessment or decision to serve the TPO.
- 4.3.7 A TPO would not make administrative constraints that could hinder, rather than support, good arboricultural practice and this is an unjustifiable reason to not confirm a TPO. If administration was a reason not to confirm a TPO then no TPO would ever be served. The purpose of a TPO is contrary to this, as it often means tree owners will seek arboricultural advice in order to make an application and it allows the LPA to ensure tree works are carried out in accordance with good arboricultural practice. Professional arboriculturists are aware of the constraints of a TPO and respect they are a valued asset to preserving high amenity trees. When carrying out work to protected trees, the process of making a tree works application is normal practice within the industry. There is also currently no financial cost attached by the government to making a tree works application.

5.0 Human Rights Act Implications

- 5.1 The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions, but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the trees) and subject to the conditions provided for by The Town and Country Planning Act 1990 (as amended) and The Town

and Country Planning (Tree Preservation) (England) Regulations 2012 and by the general principles of international law.

6.0 Alternative Options

- 6.1 If the Provisional Tree Preservation Order (TPO/00228) is not confirmed then the trees would be controlled by the conditions attached to the temporary order until the 6 months expires, after which time they would be at risk of removal without constraint.

7.0 Conclusion

- 7.1 The Government Guidance for Tree Preservation Orders and trees in Conservation Areas states;

“Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”

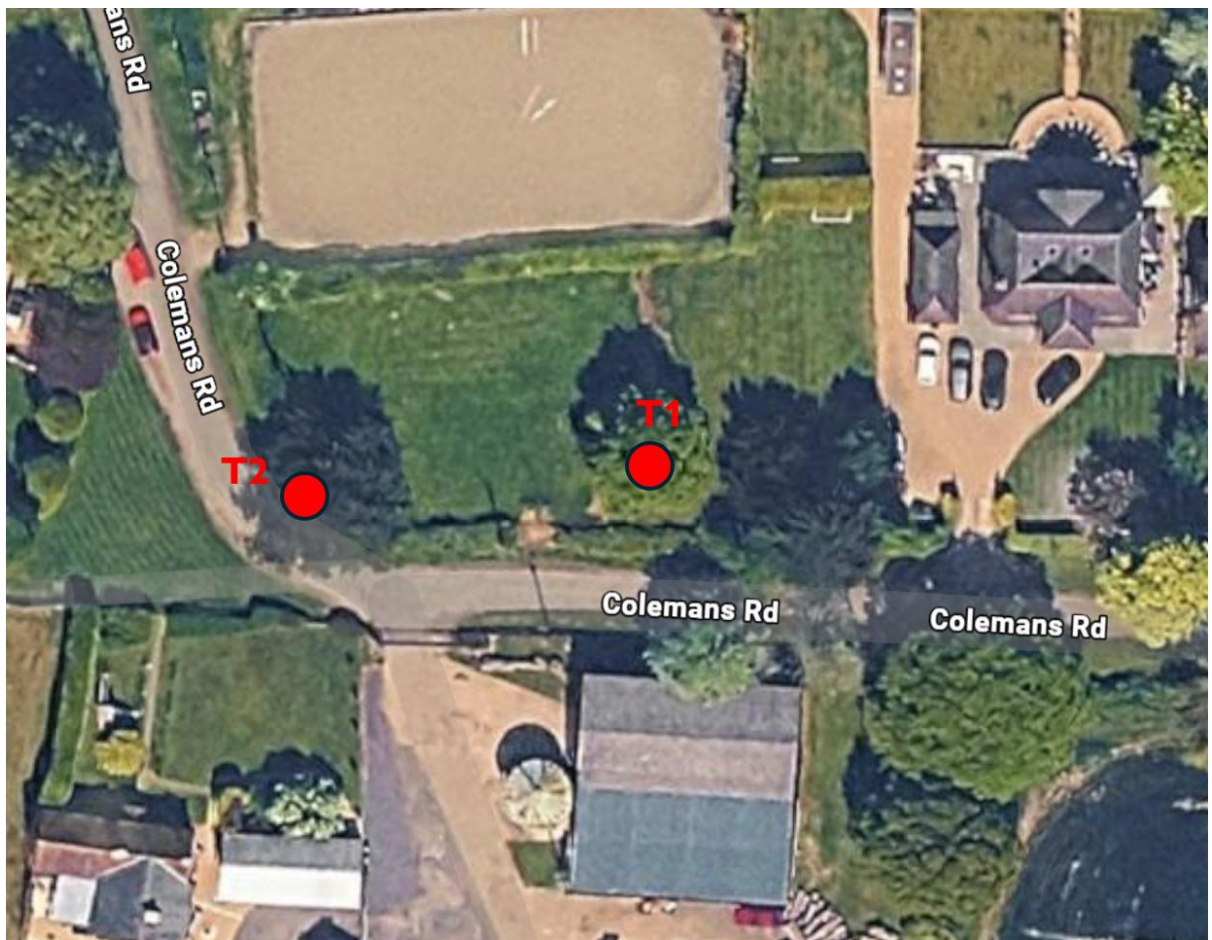
The trees of TPO/00228 (2026) provide vital amenity and environmental/public benefits to the current and future residents of the surrounding area. Existing mature canopy cover is vitally important at this time of climate crisis. Both trees are estimated to have substantial life expectancy and so should make a vital amenity contribution for considerable time to come. Although the trees may not be under immediate threat, they may be in the future, with the proximity of a proposed new development, the future increase in tree sizes and the potential for future change in ownership, that there will be increased pressure to prune or remove them.

- 7.2 Should the TPO be confirmed, it does not result in the inability to maintain the trees or remove trees whose retention can no longer be justified. Instead, it requires the submission of a tree works application to the Local Planning Authority who will consider the impacts to the trees and any evidence submitted to justify the works. It also ensures replacement trees can be conditioned where appropriate and quality trees are not lost to new development after conditions have lapsed.

8.0 Recommendation

- 8.1 The provisional Tree Preservation Order TPO/00228 (2026) be **CONFIRMED**.

Location plans for TPO/00228 (2026)



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