

NORTH HERTFORDSHIRE DISTRICT COUNCIL



31 July 2026

Our Ref Planning Control Committee 13 August
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, Steve Jarvis, Bryony May, Michael Muir, 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, 13TH AUGUST, 2026 AT 7.00 PM

Yours sincerely,

Isabelle Alajooz
Director – Governance

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

Agenda **Part I**

Item		Page
1. APOLOGIES FOR ABSENCE	Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2. MINUTES - 2 JULY 2026	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 2 July 2026.	(Pages 5 - 12)
3. NOTIFICATION OF OTHER BUSINESS	Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4. CHAIR'S ANNOUNCEMENTS	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION	To receive petitions, comments and questions from the public.	
6. 22/00956/OP LAND SOUTH OF, STEVENAGE ROAD, LITTLE WYMONDLEY, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER	Outline planning application for the development of up to 300 dwellings (all matters reserved except for access) (amended plans 23 October 2025).	(Pages 13 - 84)

7. **25/02885/OP LAND AT MILL LANE, LONDON ROAD, ST IPPOLYTS, HITCHIN, SG4 7NN** (Pages 85 - 118)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of up to 41 dwellings with associated infrastructure and open space (all matters reserved except means of access) (additional and amended plans received 23/04/26 and 10/06/26).
8. **EXCLUSION OF PRESS AND PUBLIC**
To consider passing the following resolution: That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the said Act (as amended).
9. **PART 2 MINUTES - 21 NOVEMBER 2024, 3 APRIL 2025 AND 21 APRIL 2026** (Pages 119 - 124)
To take as read and approve as a true record the Part 2 Minutes of the meetings of the Committee held on 21 November 2024, 3 April 2025 and 21 April 2026.
10. **APPEALS** (Pages 125 - 142)
To update Members on appeals lodged and any decisions made.

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERNOH ROAD, LETCHWORTH, SG6 3JF
ON THURSDAY, 2ND JULY, 2026 AT 7.00 PM

MINUTES

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

In Attendance: *Liz Anderson (Senior Ecologist), Luca Benedito (Trainee Committee, Member and Scrutiny Officer), Jamie Graham (Democratic Services Apprentice), Shaun Greaves (Development and Conservation Manager), James Lovegrove (Committee, Member and Scrutiny Manager) and Nazneen Roy (Locum Planning Lawyer).*

Also Present: *At the commencement of the meeting approximately 27 members of the public, including registered speakers.*

Councillor Ralph Muncer was in attendance as Member Advocate Objector.

20 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 23 seconds

Apologies for absence were received from Councillors Claire Winchester and Ruth Brown.

The Chair advised that no substitutes were appointed, as the application under consideration was deferred from the previous meeting.

21 MINUTES - 4 JUNE 2026

Audio Recording – 1 minute 47 seconds

Councillor Nigel Mason, as Chair, proposed and Councillor Clare Billing seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 4 June 2026 be approved as a true record of the proceedings and be signed by the Chair.

22 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 36 seconds

There was no other business notified.

23 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 41 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair clarified matters for the registered speakers.
- (4) The Chair confirmed the procedure for moving to debate on an item.
- (5) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.
- (6) The Chair confirmed the cut off procedure should the meeting proceed at length.

24 PUBLIC PARTICIPATION

Audio recording – 5 minutes 22 seconds

The Chair confirmed that the registered speakers were in attendance.

25 25/01766/OP LAND ON THE SOUTH SIDE OF, COWARDS LANE, CODICOTE, HERTFORDSHIRE

Audio recording – 5 minutes 52 seconds

The Development and Conservation Manager provided a verbal update on matters relating to Application 25/01766 and advised that:

- A further objection was received from a resident of the Riddy concerning foul water capacity and historic surcharging, and this was published on the Council's website as a public comment.
- The objection stated the foul sewer has a history of surcharging, causing sewage to escape into The Riddy and neighbouring bungalows. And the objector wished to know where the assessment was demonstrating sufficient hydraulic capacity for pumped foul flows from 30 dwellings.
- The objector highlighted that there are no surface water drains in the locality, meaning heavy rainfall causes the sewer to surcharge.
- Several incidents were referenced, including a severe event in September 2024 where gardens were flooded and water ingress into buildings was narrowly avoided.
- The objection also referenced climate change potentially worsening the issue.
- The applicant's agent, acting for Hawridge Strategic Land, responded that photographs showed The Riddy was a private unadopted road with no gullies or drainage, so water had nowhere to go.
- The applicant's agent stated Thames Water did respond to consultation on 23 July and raised no objection to wastewater or treatment capacity, correcting the objector's claim of no response.
- The applicant's agent highlighted that Thames Water recommended an informative requiring a groundwater risk management permit, and that any discharge without such a permit would be deemed illegal and result in prosecution under the Water Industry Act.
- The applicant was not proposing to discharge surface water into the foul sewer and would use a Sustainable Urban Drainage System (SUDS).
- Drainage matters were addressed in the Flood Risk Assessment at paragraph 4.37–4.44.

- Slides were presented showing the red line boundary, parameter plan, illustrative layout, access drawings, and site photographs, noting that Members had already visited the site and were familiar with it.
- Members were reminded that the application had been deferred on 4 June for a site visit and further consideration of the tilted balance.
- It was confirmed that the recommendation to grant permission remained unchanged, and Appendix A contained the original report recommending approval.

The Development and Conservation Manager presented the report in respect of Application 25/01766/OP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Louise Peace
- Councillor Tom Tyson
- Councillor Dave Winstanley
- Councillor Martin Prescott
- Councillor Clare Billing
- Councillor Val Bryant
- Councillor Nigel Mason

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

- There had been no change in planning law regarding the titled balance: the revised recommendation followed legal advice.
- There was no minimum standard for public green space on developments of this scale, judgement was based on the site and proposed layout.
- The open space, local equipped area for play landscaping and sustainable urban drainage system areas were considered sufficient to meet the relevant golden rule.
- The proposed Biodiversity Net Gain of 15% exceeded the statutory requirement of 10%.
- Infrastructure contributions included education, libraries, youth services, recycling, Fire and Rescue, highways, and a public footpath via Section 278.
- The Local Wildlife Site designation remained in place despite grazing; species such as Meadow Buttercup and Common Knapweed were still present.
- On-site mitigation was not possible as neighbouring landowners were unwilling to engage; therefore, compensation would be required.
- Biodiversity Net Gain was separate from compensation for the Local Wildlife Site.
- Compensation would be secured through a Section 106 agreement rather than a planning condition.
- Compensation within the Local Nature Recovery Strategy area could be acceptable if mitigation could not be achieved.
- If Committee required mitigation and that could not be achieved, the matter would be referred back to the Committee.
- Compensation required a scheme to be submitted rather than a fixed financial contribution; the Local Wildlife Site did not have a numerical unit value.
- Parish Councils and residents would be able to comment when the compensation scheme was publicised as part of the Section 106 discharge.
- The Local Nature Recovery Strategy was in its delivery phase, guided by the Hertfordshire Nature Recovery Partnership, which did not normally comment on individual planning applications.

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

- Codicote had already taken substantial growth, and the cumulative impact was significant.
- Infrastructure such as roads, GP services and school capacity was under strain.
- The site was one of the last pockets of wild green space in the village.
- Cowards Lane was a narrow rural lane with no pedestrian infrastructure and a blind bend.
- Increased traffic from this and other developments would worsen safety risks.
- The development did not provide meaningful local mitigation through the Section 106 agreement.
- Biodiversity loss could not be replaced remotely and the site contributed to the Local Nature Recovery Strategy.
- The harms significantly and demonstrably outweighed the benefits.

There were no points of clarification from Members.

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

- Section 106 contributions were not targeted at the specific infrastructure needs in Codicote.
- The village had experienced 30% growth without corresponding GP expansion.
- The site performed a natural drainage function and was regularly waterlogged.
- Development would permanently remove this drainage capacity.
- The site sat within a grass and health focus area of the Local Nature Recovery Strategy.
- Loss of ecological potential should be given significant weight.

In response to a point of clarification from Councillor Val Bryant, Mr Black advised that the Welwyn GP surgery had not undergone structural expansion.

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

- Most vehicle movements from the development would travel east, towards Weaver's Gate and the school.
- Cowards Lane had no pavement yet was used by families and children.
- Pavement parking on the High Street made alternative routes unsafe.
- The NPPF required refusal where harms outweighed benefits.
- Golden Rules two and three had not been met, relating to infrastructure and protection of green space.
- Biodiversity offsetting many miles away did not compensate for local loss.
- The harms were evidenced, cumulative and insufficiently mitigated.

There were no points of clarification from Members.

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

- The titled balance was subjective and required careful interpretation.
- The Local Plan allocated over 400 homes to Codicote, but not this site.
- Policies should have been afforded significant weight despite the titled balance.
- Case law supported refusal where cumulative harm was evident.
- Codicote was already under strain from approved developments.
- Cowards Lane was unsafe for school children and residents.
- Biodiversity loss could not be mitigated locally and off-site compensation was inadequate.
- The KC's advice indicated low risk of costs if refused.

In response to points of clarification from Councillor Val Bryant, Councillor Ralph Muncer advised that there was a distinction between the Local Plan and the Codicote Neighbourhood Plan.

The Chair thanked Councillor Muncer for their presentation and invited the Public Supporter, Ms Rebecca Rose to speak in support of the application. Ms Rose thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Children from Weaver's Gate did not need to walk along Cowards Lane; a safe alternative route existed via the High Street and Recreation Ground.
- Elderly residents of Ponders Meadow did not use Cowards Lane.
- The field was private land, not public open space.
- The development would provide a new play area and retain the footpath.
- Cowards Lane was not heavily trafficked.
- The school had capacity following expansion.
- Most residents had not objected, and many supported housing for young people.

In response to points of clarification from Councillor Martin Prescott, Mrs Rose advised that she was the landowner.

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

- Highways had raised no objection, and safe walking routes were achievable.
- The Local Wildlife Site designation was not currently met due to long-term grazing.
- Without development, the site would not be restored to met LWS criteria.
- Compensation could be secured through Section 106, as supported by KC advice.
- The site was in Flood Zone 1, and LLFA and EA had raised no objection.
- Hertfordshire County Council confirmed school capacity.
- The development would deliver affordable housing and ecological benefits.

In response to points of clarification from Councillor Val Bryant, Mrs Ventham advised that the capacity of the school has doubled.

The Development and Conservation Manager responded to matters raised during the public speaking and advised that:

- Paragraph 14 of the NPPF can tilt the balance in favour of a neighbourhood plan, but only where the plan contains housing policies and housing allocations.
- The Codicote Neighbourhood Plan contained neither, therefore paragraph 14 was not engaged.
- As a result, the titled balance under paragraph 11 remained applicable.
- No neighbourhood plans in North Hertfordshire contain housing policies and allocations, so Codicote was not unique.
- The report therefore correctly applied the titled balance and explained why the neighbourhood plan cannot outweigh national policy.

Councillor Nigel Mason, as Chair, proposed to grant permission with an amendment to read that permission should be granted subject to The completion of a satisfactory legal agreement that delivers the obligations set out in the agreed Heads of Terms at Table 1 and secure appropriate mitigation measures in respect of impacts on the Local Wildlife site, and where it is demonstrated that residual harm cannot be adequately mitigated, secure the provision of a compensation scheme as a measure of last resort. This was seconded by Councillor Emma Fernandes.

The following Members took part in the debate:

- Councillor Dave Winstanley
- Councillor Martin Prescott
- Councillor Caroline McDonnell
- Councillor Val Bryant
- Councillor Emma Fernandes
- Councillor Louise Peace
- Councillor Nigel Mason

The following points were made as part of the debate:

- The site visit was highly influential, helping Members understand the likely pedestrian routes and the physical context.
- Cowards Lane was considered unlikely to be the preferred route for school children, though some Members felt it remained the most direct path.
- The site was described as not resembling the lush meadow implied by its Local Wildlife Site designation, though others felt it could recover naturally if grazing ceased.
- Concerns were raised about cumulative development in Codicote, with uncertainty over impacts on the infrastructure, schools, and health services.
- Several Members highlighted pavement parking and high street congestion as wider issues affecting pedestrian safety.
- Some Members felt biodiversity compensation far from Codicote was not acceptable, while others were reassured by the legal mechanism securing mitigation and compensation.
- The delivery of 15 affordable homes was considered a significant benefit.
- Some Members maintained there were grounds to refuse, arguing harm to the Local Wildlife Site was significant, not moderate.
- Others emphasised the need to consider the application before the Committee, noting the land would remain a private horse field if refused.
- The legal advice and the KC's assessment were noted as important factors in the planning balance.

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

RESOLVED: That application 25/01776/OP be **GRANTED** planning permission subject to:

- A) The completion of a satisfactory legal agreement that delivers the obligations set out in the agreed Heads of Terms at Table 1 and secure appropriate mitigation measures in respect of impacts on the Local Wildlife site, and where it is demonstrated that residual harm cannot be adequately mitigated, secure the provision of a compensation scheme as a measure of last resort.
- B) The Applicant agreeing to extend the statutory period to complete the agreement, if required.
- C) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required.
- D) The conditions and informatives as set out in the report of the Development and Conservation Manager.

N.B. Following the conclusion of this item, there was a break in proceedings and the meeting reconvened at 20:48.

26 INFORMATION NOTE - NATIONAL SCHEME OF DELEGATION

Audio recording – 1 hour 45 minutes 35 seconds

The Development and Conservation Manager presented the Information Note entitled 'National Scheme of Delegation,' and advised that:

- The National Scheme of Delegation will come into effect 31 October 2026.
- The constitution would need to be amended to comply with the national scheme.
- Householder, minor commercial, and minor residential applications below 10 units would fall under Schedule 1 and could be brought to Planning Control Committee.
- Larger applications would fall under Schedule 2, subject to a triage process by a designated officer and designated member.

The following Members asked questions:

- Councillor Ian Mantle
- Councillor Tom Tyson
- Councillor Caroline McDonnell
- Councillor Val Bryant
- Councillor Louise Peace
- Councillor Nigel Mason

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

- Ward members may still request that Schedule 2 applications be considered for committee, citing significant environmental, social, or economic impacts.
- The Constitution would need to clearly set out the triage process.
- Workshops would be held to discuss constitutional changes.
- Reserved Matters applications for schemes over 500 homes may still come to committee. However Reserved Matters applications under 500 homes may not automatically come to committee.
- Outline applications for schemes under 500 homes can still be considered for committee via the triage process.

- Any application undetermined after 31 October 2026 would fall under the new procedure.
- A reduction in applications coming to committee was expected, but meeting frequency would not be reduced at this stage.
- Further analysis would be undertaken to understand which applications would have come to committee under the new scheme.

RESOLVED: That the Information Note 'National Scheme of Delegation,' was noted.

27 INFORMATION NOTE - SECRETARY OF STATE DIRECTION

Audio recording – 1 hour 59 minutes 30 seconds

The Development and Conservation Manager presented the Information Note entitled 'Secretary of State Direction,' and advised that:

- Any application of 150 dwellings or more, where the Council is minded refuse, must be referred to the Secretary of State before a decision can be taken.
- The Secretary of State has 21 days to decide whether to call in the application, with the ability to extend this period.
- If called in, an Inspector would determine the application.

The following Members' asked questions:

- Councillor Dave Winstanley
- Councillor Clare Billing

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

- If committee resolved to refuse an application, the Council must notify the Secretary of State and cannot issue a decision notice until the call-in period expired.
- Costs could be awarded if the reasons for refusal were deemed unreasonable.
- A Secretary of State refusal was final, and the applicant cannot appeal but could pursue Judicial Review.
- A Planning Inspector acted on behalf of the Secretary of State when determining called-in applications.

RESOLVED: That the Information Note 'Secretary of State Direction,' was noted.

28 APPEALS

Audio recording – 2 hours 5 minutes 17 seconds

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

- There had been 3 appeals lodged, all through written procedure.
- No appeal decisions had been received since the last meeting.

There were no questions asked by Members.

The meeting closed at 9.09 pm

Chair

<u>Location:</u>	Land South Of Stevenage Road Little Wymondley Hertfordshire
<u>Applicant:</u>	Welbeck Strategic Land IV LLP
<u>Proposal:</u>	Outline planning application for the development of up to 300 dwellings (all matters reserved except for access) (amended plans 23 October 2025)
<u>Ref. No:</u>	22/00956/OP
<u>Officer:</u>	Paul Chaston

Date of expiry of statutory period

Wednesday 6 July 2022

Extension of statutory period

Monday 31 August 2026

Reason for Delay

Discussions and negotiations on various technical aspects including masterplanning, the applicant addressing technical objections from statutory consultees, further information received and additional consultation exercise that was undertaken as a result.

Reason for Referral to Committee

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

1.0 Site History

- 1.1 20/01422/SO – An EIA Screening Opinion request was submitted in July 202 pursuant to Regulation 6 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017. In November 2020, a Screening Opinion was issued confirming an Environmental Impact Assessment (EIA) would not be required to support a future planning application.

2.0 Policies

2.1 North Hertfordshire District Council Local Plan 2011-2031

Adopted 8 November 2022.

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy
Policy SP5: Countryside and Green Belt
Policy SP6: Sustainable transport
Policy SP7: Infrastructure requirements and developer contributions
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP10: Healthy Communities
Policy SP11: Natural resources and sustainability
Policy SP12: Green infrastructure, landscape and biodiversity
Policy T1: Assessment of transport matters
Policy T2: Parking
Policy HS1: Local Housing Allocations
Policy HS2: Affordable Housing
Policy HS3: Housing mix
Policy HS5: Accessible and adaptable housing
Policy D1: Sustainable design
Policy D3: Protecting living conditions
Policy D4: Air quality
Policy HC1: Community facilities
Policy NE1: Strategic green infrastructure
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE6: New and improved open space
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE9: Water quality and environment
Policy NE10: Water conservation and wastewater infrastructure
Policy NE11: Contaminated land
Policy HE4: Archaeology

- 2.2 The application site was previously Green Belt. The Local Plan has removed the site from the Green Belt and brought it within the defined settlement boundary of Little Wymondley.
- 2.3 Policy HS1 indicates that Local Housing Allocations are listed by parish and Settlement as shown on the Policies Map and confirms that residential development and associated infrastructure on these sites will be granted provided that:
- a) Development broadly accords with the indicative number of homes shown;
 - b) Proposals successfully address site specific policy considerations; and
 - c) Unless site specific policy considerations state otherwise, a variety of homes are provided in accordance with the general policy requirements of this plan.
- 2.4 The site is identified in the Local Plan as Local Housing Allocation WY1. Policy WY1 also contains detailed policy criteria for consideration in the determination of any applications for planning permission, which are set out below for ease of reference:

Policy WY1 – Land south of Little Wymondley – Dwelling estimate 300 homes

- Appropriate solution for primary education requirements having regard to up-to-date assessments of need;
- Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery;
- Undertake site specific Flood Risk Assessment to address existing surface water and fluvial flood risk issues, particularly along Stevenage Road, including the site's access, and help inform SuDS or other appropriate solution to ensure that pre-existing flooding issues along Stevenage Road are not exacerbated. Hertfordshire County Council, as Lead Local Flood Authority (LLFA), and Stevenage Borough Council should be consulted;
- Sensitive integration into the existing village, particularly in terms of design, building orientation and opportunities for cycle and pedestrian access;
- Transport Assessment to identify and secure a package of improvements to Stevenage Road through Little Wymondley which mitigate the severance impact of the road between the north and south of the village and improves accessibility for non-motorised highway users:
- Proposals to be informed by a site-specific landscape assessment;
- Appropriate mitigation measures for noise associated with A602 Wymondley Bypass to potentially include landscaping and/or insulation and appropriate orientation of living spaces;
- Access to the site to take into account the impact on heritage assets and surface water flooding;
- Minimise impact upon the heritage assets and their settings near the site, to include:
 - a) Any access from Stevenage Road to consider impact upon setting of Listed Buildings;
 - b) Consideration of key views from Wymondley Bury and St Mary's Church;
 - c) Reinforcing existing boundary planting;
 - d) Retention of significant groups of trees within the site;
- Archaeological survey to be completed prior to development; and
- Undertake Contaminated Land Preliminary Risk Assessment, particularly in relation to historic landfill.

2.5 **National Planning Policy Framework (NPPF)**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

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

Section 15: Conserving and enhancing the natural environment

2.6 Supplementary Planning Documents

Design SPD (2011)

Planning Obligations SPD (2023)

Vehicle Parking Provision at New Development SPD (2011)

North Hertfordshire and Stevenage Landscape Character Assessment

2.7 Hertfordshire County Council

Local Transport Plan (LTP4 – adopted May 2018)

Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012)

2.8 Wymondley Parish Neighbourhood Plan 2015-2031

Policy NHE1 – Landscape Character

Policy NHE2 – Biodiversity

Policy NHE3 – Wildlife and Ecology

Policy NHE4 – Green Infrastructure

Policy NHE8 – Landscaping Schemes

Policy NHE9 – Historic Character and Heritage Assets

Policy NHE10 – Green Spaces

Policy FR1 – Flood Risk

Policy FR2 – Flood Risk Management

Policy TM1 – Roads

Policy HOD1 – Wymondley Parish Housing Needs

Policy HOD2 – Design

Policy HOD3 – Parking

2.9 National Planning Practice Guidance

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

3.0 Representations

Consultees

3.1 Wymondley Parish Council – Objects to the application on the following grounds:

- The development site is not a sustainable site.
- The proposal substantially fails to meet the Neighbourhood Plan criteria.
- The scale of development is not proportionate to the size of the existing village.
- Concerns around how the development will change the character of the existing village and the resulting challenges on village integration and the social fabric of the community.
- Concerns around upgrading the social and economic infrastructure in the village to sufficiently accommodate the future residents of the development site.
- The existing village currently lacks local shops, facilities and community infrastructure, so the limited existing local services will be overwhelmed.
- The additional traffic associated with the development site would exacerbate the problems the village already has with overcrowded roads.
- Surface water drainage strategy details are not sufficient to demonstrate that the development proposal would not result in increased flood risk to existing homes

especially given the development site is on higher ground compared to the existing village.

- Loss of open countryside.
- Increase in air pollution.
- Lack of public transport.
- Increased overall flood risk to the wider catchment area.
- Increased traffic and congestion.
- Inadequate traffic calming measures.
- Inadequate air quality assessment.
- Potential for land contamination at the development site.
- Concerns over the future maintenance and management of public areas including green/open spaces.

3.2 **NHDC Environmental Health (Contaminated Land)** – No objection regarding contamination on land, subject to standard land contamination condition.

3.3 **NHDC Environmental Health (Noise)** – No objection subject to a condition requiring the submission of a noise mitigation scheme.

3.4 **NHDC Environmental Health (Air Quality)** – No objection.

3.5 **NHDC Waste and Recycling** – No objection subject to appropriate condition(s) requiring suitable waste and collection facilities.

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

3.7 **NHDC Greenspace Manager** – No objection.

3.8 **NHDC Housing Supply Officer** – Based on 300 dwellings overall and a 40% affordable housing requirement, in accordance with the Local Plan, this equates to the provision of 120 affordable dwellings.

Within the overall 40% affordable housing requirement, a 65%/35% rented/other intermediate tenure split is required in accordance with the Council's Planning Obligations SPD and the 2023 Strategic Housing Market Assessment (SHMA). This, of the 120 affordable units: 78 rented units and 42 intermediate tenure units should be provided to meet housing need.

3.9 **NHDC Urban Design Officer** – No objection subject to conditions to secure master planning and design code condition.

3.10 **NHDC Conservation Officer** – No comments.

3.11 **Place Services (Landscaping)** – Concerns raised around the methodology within the Landscape and Visual Impact Appraisal (LVIA). However, there is an acknowledgment of the site allocation context of the site. Several comments and recommendations have been made and should be considered within future submissions at Reserved Matters stage.

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

- 3.13 **HCC Growth and Infrastructure** – No objection subject to financial contributions via a S106 legal agreement towards Primary Education, Secondary Education, Childcare Services, SEND Services (Special Educational Needs and Disabilities), Library Services, Youth Services, Waste Services and Fire and Rescue Services.
- 3.14 **HCC Lead Local Flood Authority (LLFA)** – No objection subject to four conditions.
- 3.15 **HCC Historic Environment (Archaeology)** – No comments.
- 3.16 **HCC Minerals & Waste** – No objection subject to a condition requiring the submission and agreement of a Site Waste Management Plan.
- 3.17 **HCC Fire and Rescue Services** – No objection, subject to a condition for the provision of fire hydrants on site.
- 3.18 **Stevenage Borough Council** – No comments.
- 3.19 **Environment Agency** – No objection subject to conditions.
- 3.20 **Hertfordshire Ecology** – No objection subject to conditions and informatives.
- 3.21 **Herts and Middlesex Wildlife Trust** – Issues raised around the accuracy of the biodiversity metric in response dated June 2022. No further comments have been made since the submission of a revised biodiversity net gain metric in October 2025.
- 3.22 **Historic England** – Acknowledges that the revisions to the development proposal represents an improvement in terms of the effect upon Wymondley House. However, the proposal would still result in a level of 'less than substantial' harm to the significance of Wymondley House and other nearby highly graded heritage assets in NPPF terms.
- 3.23 **Active Travel England** – No comments.
- 3.24 **National Grid** – No objection.
- 3.25 **NHS Hertfordshire and West Sussex ICB** – No objection subject to s106 financial contribution towards healthcare infrastructure to accommodate demand for additional primary healthcare services arising from the development proposal.
- 3.26 **Sport England** – No objection subject to financial contributions for suggested projects set out in Table 3 of this report.
- 3.27 **Anglian Water** – Initial objection to intended connection to the public foul drainage network based on a lack of capacity at the Ashbrook Water Recycling Centre (WRC) to accommodate the additional flows that would be generated by the proposed development. Further response received in June 2026 based on updated guidance confirming the Ashbrook WRC is now within the acceptable parameters and can accommodate the flows from the proposed growth.
- 3.28 **Affinity Water** – No objection subject to conditions.

- 3.29 **CPRE Hertfordshire (Campaign to Protect Rural England)** – Objects to the site being removed from the Green Belt and no indication of the quality of the agricultural land affected.

Neighbour and Local Resident Representations

- 3.30 The application has been advertised via neighbour notification letters, the display of site notices and a press notice. At the time of finalising this report, a total of 380 comments have been received including 379 objections and 1 submission in support.

- 3.31 Neighbours objections and concerns are summarised as follows:

- Loss of agricultural land
- Loss of countryside
- Loss of Green Belt
- Loss of wildlife and loss of green space and habitats for wildlife and birds
- Inappropriate size and scale of development in the context of the existing village
- Concerns around the integration of the new development with the existing village
- Traffic and Congestion
- Will add more traffic on surrounding roads adding to congestion
- Inadequate existing and proposed road infrastructure
- Lack of improvements proposed to existing road infrastructure
- Lack of infrastructure to encourage sustainable modes of transport
- Highway safety and deliverability concerns around the central northern access and active travel route into the site
- Conflict with the Local Plan and Neighbourhood Plan
- Unsustainable choice of energy systems for new homes
- Concerns around the existing capacity of local utilities infrastructure
- Inadequate primary school and early years/pre-school provision
- Inadequate existing public transport infrastructure and services
- Lack of existing local infrastructure, services and facilities
- Inadequate primary healthcare provision
- Harmful to residential amenity
- Harmful to air quality
- Flooding and drainage concerns
- Water extraction and sewage discharge concerns
- Land contamination concerns
- Archaeology concerns
- Increased noise, pollution and crime
- Impact of lorries and delivery vehicles associated with the construction phase

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application site is located between the village of Little Wymondley and the A602 Stevenage-Hitchin bypass, to the south of the village. The site covers an area of approximately 20.04 hectares in size and comprises nine fields.

- 4.1.2 The site contains areas of broadleaved woodland that are found within the northern part of the site predominately along field boundaries and along the southern boundary. There is an existing bungalow, known as Bungalow Farm, which sits towards the centre of the site and is detached from the existing built-up part of the village.
- 4.1.3 A public footpath (Wymondley 008, part of the Hertfordshire Way long distance route) passes through the east of the site. A number of other public footpaths pass near to the eastern boundary of the site (Wymondley 009 and Wymondley 010).
- 4.1.4 The lower northern section of the site has a greater degree of self-containment within the landscape whereas higher ground to the south is more open, rising gradually to a localised 'ridge line' that runs in an east-west direction. Beyond the 'ridge line' the site plateaus and contains overhead high-tension power cables.
- 4.1.5 Needham House Hotel and its grounds, which are located off Blakemore End Road, defines the site's western boundary, together with an adjacent field. To the east is a parcel of undeveloped land not forming part of the application site beyond which is housing comprising Tower Close. To the south of this is a playing field maintained by the Parish Council. To the southwest lies the Wymondley Bypass A602.
- 4.1.6 The site is situated approximately 0.5km from Little Wymondley's main thoroughfare, Stevenage Road to which there are several points of direct connection. The village provides several retail, employment and educational facilities including two pubs, Wymondley Baptist Church, Wymondley Nursing Home, Wymondley Junior School, public open space at Tower Close and employment area with light industrial space.
- 4.1.7 The site is also located close to the edge of Stevenage and therefore has access to a significant number of facilities, including supermarkets and Lister Hospital. Access is provided to the town of Hitchin via Stevenage Road and the A602. Little Wymondley itself is also serviced by regular public transport and has a good basic level of existing services, including a half FE primary school.

4.2 **Proposal**

- 4.2.1 Outline permission is sought with for the erection of up to 300 residential dwellings (Use Class C3) with all matters reserved other than access.
- 4.2.2 The development area is around 8.88 hectares in area. The key elements of the proposed development comprise:
- Up to 300 dwellings, of which 40% will be affordable housing;
 - Vehicular access point in the north-west corner of the site from Stevenage Road;
 - Off-site highways works, including improvements to Stevenage Road and Siccot Road for the benefit of pedestrians and cyclists;
 - A network of cycle and pedestrian routes across the site with linkages to existing roads and public footpaths;
 - A network of 10.58ha of multifunctional green spaces across the site including play areas, footpath connections, green corridors and trees; and
 - Provision of Sustainable Drainage Systems (SuDS).

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

- Site Access General Arrangement Plan (Drawing No. 6704-CV-011 Rev P07)
- Central Connection General Arrangement Plan (Drawing No. 6704-CV-013 Rev P05)
- Emergency Access Blakemore End Road General Arrangement Plan (Drawing No. 6704-CV-015 Rev P02)
- Land Use Framework Plan (Drawing No. SK11_D)
- Access, Active Travel & Vehicle Hierarchy Framework Plan (Drawing No. SK12_C)
- Character Areas Parameters Plan (Drawing No. SK14_B)
- Built Form Framework Plan (Drawing No. SK15_B)
- Development Areas Parameter Plan (Drawing No. SK16_B)
- Illustrative Masterplan (Drawing No. SK17 Rev N)
- Building Heights Framework Plan (Drawing No. SK18_A)
- Green Infrastructure and Play Framework Plan (Drawing No. SK19_B)
- Landscape Character Framework Plan (Drawing No. EDP5520_D017E)
- Design & Access Statement and SP9 Masterplan Document
- Flood Risk Assessment and Drainage Strategy
- Surface Water Drainage Strategy Drawing (Drawing No. 6704-D-01 Rev P14)
- Infiltration Report
- Air Quality Assessment
- Acoustics Report
- Arboricultural Impact Assessment
- Ecological Appraisal
- Ecology Update Report
- Biodiversity Metric
- Bird Survey Results
- Landscape and Visual Appraisal
- Statement of Community Involvement
- Energy Statement
- Sustainability Statement
- Transport Assessment
- Transport Assessment Addendum
- Residential Travel Plan
- Archaeological and Heritage Assessment
- Preliminary Risk Assessment
- Utilities Report
- Planning Statement

4.2.4 This is an outline application with all matters reserved for future consideration, except for the means of access to the site. Therefore, matters relating to appearance (aspects of the building or place that determine its visual impression), landscaping (the treatment of the land to enhance or protect the amenities of the site and the surrounding area (including screening and tree planting), layout (the location, height, width, and length of the proposed buildings, streets and spaces) and scale (the height, width, and length of the proposed buildings), do not form part of this application. These matters would be secured by conditions requiring submission of reserved matters applications in the event of approval. For the avoidance of doubt, where details of these reserved matters are set out in supporting documents and plans, these are illustrative only.

5.0 Key Issues

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

- Principle of the development
- Loss of Agricultural Land
- Masterplanning and site-specific requirements
- Highway matters
- Landscape and visual impacts
- Heritage and archaeological impacts
- Ecology and Biodiversity
- Tree impacts
- Open space provision
- Sports facility impacts
- Flood risk and drainage
- Environmental impacts (noise, land contamination and air quality)
- Sustainability
- Impact on residential amenity
- Planning obligations
- Planning balance and conclusion

5.2 Principle of the development

- 5.2.1 The NPPF 2024 sets out the national planning policy position. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, meeting the three overarching objectives (economic, social and environmental) in a mutually supportive way. The application proposals have been formulated and evolved with this objective, of promoting the most effective use of the site to achieve a development that promotes healthy and sustainable life choices.
- 5.2.2 Central to the NPPF is a presumption in favour of sustainable development (paragraph 10), which relates to both plan-making and decision-taking within the context of town planning (paragraph 11). With specific reference to decision-taking (the determination of planning applications), the presumption in favour of sustainable development means “approving development proposals that accord with an up-to-date plan without delay”. Paragraph 11 adds that where policies are considered out-of-date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing a development, or where any adverse impact would ‘significantly or demonstrably outweigh the benefits’ when assessed against the Framework as a whole.
- 5.2.3 Part 5 of the NPPF Delivering a sufficient supply of homes confirms that in achieving the Government’s objective of significantly boosting the supply of homes it is important that a sufficient amount and variety of land can come forward where it is needed, that meets the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. This includes the delivery of affordable housing (paragraphs 63, 64 and 66 refer).

- 5.2.4 There are also a number of strategic local plan policies which are relevant to the proposal. Local Plan Policy SP1 Sustainable Development in North Hertfordshire supports the role of key settlements within the district whilst ensuring the long-term vitality of its smaller villages. The policy supports proposals that deliver an appropriate mix of homes, jobs and facilities of high quality, that respect and improve their surroundings and provide all necessary infrastructure.
- 5.2.5 Local Plan Policy SP2 identifies a significant housing need in the district which is for 'at Least 13,000 new homes over the plan period. Little Wymondley is planned to accommodate around 312 new homes.
- 5.2.6 Local Plan Policy SP5 on the Countryside and Green Belt supports the national approach taken to principles for developing in the Green Belt through the NPPF. The supporting text to the policy in the LP provides the background to how and why Green Belt boundaries have been altered through the NHLP. It was considered that relevant circumstances exist 'to review the boundaries and enable development to meet locally identified needs'.
- 5.2.7 Local Plan Policy SP8 sets out the housing growth targets across the district. The policy acknowledges the requirement to release sufficient land to deliver at least 11,600 net new homes for North Hertfordshire's own needs and the provision of additional land within the Luton Housing Market Area (HMA) for a further 1,950 net new homes. The policy seeks to provide long-term certainty in the five-year housing land supply and to support a range of housing tenures, types and sizes measured against targets.
- 5.2.8 The site is allocated for housing in the North Hertfordshire Local Plan 2011-2031 under Policy HS1 as WY1. Upon the adoption of the North Hertfordshire Local Plan on 8 November 2022, the site was removed from the Green Belt and placed within the settlement of Little Wymondley. The NPPF confirms that development proposals that accord with an up-to-date development plan should be approved without delay.
- 5.2.9 Under Policy HS1, the site WY1 is allocated for the provision for an estimated 300 homes.

Site Allocation WY1

- 5.2.10 As indicated at paragraph 2.4, there are eleven site specific criteria that need to be met to comply with this policy and these are considered in detail later in this report.
- 5.2.11 Local Plan Policy HS2 is the over-arching LP policy relating to the provision of affordable housing. On a proposal of this size, 40% affordable housing would be required subject to viability. The policy sets out certain requirements including the size, type and tenure of housing and to safeguard occupation for first and subsequent occupiers. The councils Developer Contributions SPD includes further guidance on matters relating to affordable housing.

Housing need and delivery

- 5.2.12 As set out in the Council's most recent Housing Land Supply Update (November 2025), the total requirement for housing delivery in the District from 1 April 2025 – 31 March 2030 is 6,976 dwellings. Currently there is a deficit of 3,347 dwellings over the five-year period of 2025/26 – 2029/30. The Council therefore can only demonstrate a five-year land position of 2.6 years against our adopted housing requirement. This figure falls below the

five-year figure as required in the NPPF. Where a five-year supply of deliverable housing sites cannot be demonstrated, Paragraph 11 (d) of the NPPF confirms that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including the housing land supply) and (i) unless there are protected areas or assets of particular importance (i.e. Green Belt and heritage assets) which provide a strong reason for refusing the development proposed or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination – permission should be granted. This matter is considered further in the Planning Balance section at the end of this report.

Affordable Housing

- 5.2.13 The supporting documentation confirms that the site will deliver 40% affordable housing as required by LP policy. Within this requirement, a 65% rented (social and affordable) and 35% (discounted market sale housing and other affordable routes to home ownership including shared ownership, shared equity and rent to buy) intermediate affordable housing tenure split is required, in accordance with the Local Plan and the Council's Developer Contributions SPD, supported by the 2023 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update. Based on the provision of 300 dwellings the affordable housing requirement would be 120 dwellings – 78 rented and 42 intermediate affordable tenure.
- 5.2.14 Within the 65% rented affordable housing element, NHDC's Housing Supply Officer has confirmed the following mix best meets housing needs, as identified in the 2023 SHMA:

Tenure %	Number of housing units
7% x 1 bed flats	5
9% x 2 bed flats	7
22% x 2 bed houses	17
50% x 3 bed houses	39*
10% x 4 bed houses	8
2% x 5+ bed houses	2
Total	78

Table 1: Affordable housing tenure mix (rented)

*Evidence from the housing register suggests the number of three bed houses recommended in the SHMA is greater than required and there is higher need for two-bedroom family homes and a need for larger (4+ beds) family homes. In addition, there is a growing need for larger (3 and 4 bed) M4(3) wheelchair accessible homes which we will

seek to deliver through the requirements of Policy HS5: Accessible and adaptable housing.

- 5.2.15 For the 35% affordable home ownership tenure, NHDC's Housing Supply Officer has confirmed the 2023 SHMA shows the following mix best meets housing needs:

Tenure %	Number of housing units
22% x 1 bed flats	9
15% x 2 bed flats	6
43% x 2 bed houses	18
20% x 3 bed houses	9
Total	42

Table 2: Affordable housing tenure mix (intermediate)

- 5.2.16 *Local Plan Policy HS5: Accessible and adaptable housing* requires applicants to demonstrate that at least 50% of homes can be built to the M4(2) Accessible and Adaptable standard; and on schemes where 10 or more affordable units will be delivered, 10% of the units can additionally be built to the M4(3) wheelchair user standard. There is a growing need for larger (3 and 4 bed) M4(3) wheelchair adapted homes for rent, for families with a member with a disability and/ or limited mobility, which should be secured through the Design Code and s106.
- 5.2.17 *Local Plan Policy HS4: Supported, sheltered and older persons housing* is also a relevant policy consideration. There will be a substantial increase in the number of and proportion of older residents in North Hertfordshire over the plan period. Older people are living longer, and government policy seeks to support people living at home for as long as possible. Other groups will also have support needs, including people of all ages with physical or learning disabilities.
- 5.2.18 In accordance with *LP Policy HS3: Housing mix* a modest proportion of sheltered and/ or supported housing should be provided on the site to contribute towards the modelled demand for older persons housing. This should include affordable housing provision where appropriate.
- 5.2.19 The affordable homes should be owned and managed by a registered provider (RP). No RP has been identified for the affordable housing on the site to date. Details of this and other matters would be secured as part of the s106 agreement. The council's Housing Supply Officer has confirmed a preference for Social Rented tenure as the 2023 SHMA Update shows that there is high need for social housing for rent, and this is confirmed by the Council's experience of Affordable Rents being increasingly unaffordable even for smaller one and two bed units. Affordable Rents for 1 and 2 bed homes should be up to 80% of market rents (including service charges, where applicable) and 3 bed homes at up to 70% of market rents (including service charges, where applicable) to ensure affordability. For 4-bedroom and 5-bedroom homes, the Council will only accept Social

Rents as evidenced by the 2023 SHMA and all rents must be within LHA caps in accordable with the Council's Developer Contributions SPD and the Council's Tenancy Strategy.

- 5.2.20 Affordable housing should be spread across the site in small clusters rather than be situated on one or two parts of the site and should be physically indistinguishable from the market housing. These matters can be secured as part of the site wide Design Code condition and subsequent Reserved Matters applications.
- 5.2.21 The site is an allocated housing site for approximately 300 homes. Overall, the proposal complies with LP Policies SP1, SP2, SP5 and SP8. Compliance with LP Policy SP9 is considered in a later section of this report. The residential use of this site is appropriate in land use terms, and the contribution of new housing and new affordable housing both weighs significantly in favour of the proposal in the planning balance.

5.3 **Loss of Agricultural Land**

- 5.3.1 Chapter 15 of the NPPF Conserving and enhancing the natural environment confirms that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing...soils (in a manner commensurate with their statutory status or identified quality in the development plan) and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land (defined as land in Grades 1, 2 and 3a).
- 5.3.2 Paragraph 188 confirms that when allocating land in development plans, there should be a preference to identify land with the least environmental or amenity value, where consistent with other policies in this Framework and in a footnote that 'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.'
- 5.3.3 The Natural England classification maps show the application site to fall within the 'Grade 3 – good to moderate' category.
- 5.3.4 In conclusion, the proposal would result in some loss of Best and Most Versatile (BMV) agricultural land in respect of the land associated with the housing allocation (the application site). This is considered to be a harm which attracts limited weight in the planning balance.

5.4 **Masterplanning and site-specific requirements**

Masterplanning

- 5.4.1 A key policy consideration is Local Plan Policy SP9, which addresses design and sustainability, and in line with the NPPF, requires a strategic masterplan for larger housing applications generally over 100 dwellings. The policy also supports new development where it is well designed and located and responds to its local context.
- 5.4.2 Local Plan Policy SP9 allows for masterplans to be agreed "prior to **or as part of** the grant of planning permission" (emphasis added). An SP9 Masterplan document with supporting framework and parameter plans was submitted with the application in April 2022. Since then, the applicant has worked positively with officers to revise several aspects of the

framework and parameter plans and agree a Strategic Masterplan that meets the policy and design requirements of Policy SP9.

5.4.3 The latest version of the Masterplan document and supporting plans were submitted in October 2025 and there was a general re-consultation following their submission. The Council's Urban Design team have considered these and confirms that the Masterplan document and supporting framework and parameter plans demonstrate general conformity with Policy SP9.

5.4.4 The masterplan document sets out the following:

- A clear and site-specific distinctive vision and place-making objectives based around a landscape-led design.
- Contextual and character analysis to ensure proposals are in accordance with the National Design Guide and Policy SP9.
- Understanding of how the site can effectively integrate with the green infrastructure network and walking, cycling and public transport routes and hubs.
- Understanding of site constraints and opportunities which have informed the masterplan development.
- Robust set of framework and parameter plans which fix the structure of the masterplan in terms of land use, movement, green infrastructure, biodiversity and landscape and urban design parameters.
- Design Principles to inform the detailed design and any future reserved matters.
- 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 SP9 compliance (detailed layouts will be assessed and determined through reserved matters).

5.4.5 The Strategic Masterplan Framework meets the following design objectives of Policy SP9:

- i) *Create buildings, spaces and streets which positively reflect and respond to the local landscape, townscape and historic character;*

5.4.6 The masterplan has successfully integrated the character of Little Wymondley to create a contextually responsive development. A comprehensive appraisal of the historic development of the site and surroundings and character study have been undertaken to inform the masterplan and ensure it responds to local character.

Key measures include:

- Delivering a mixture of housing offering 1 to 4 bedroom properties comprising a range of house types, from terraced, semi-detached and detached properties including bungalows and flats. The housing mix will include a proportion of affordable housing.
- Creating a series of character streets (Primary Street, Secondary Street and Tertiary Streets/Lanes) that will deliver changes in street design.
- Establishing a legible environment with a choice of interconnecting, attractive streets and pedestrian routes which provide excellent connectivity across the site and into the surrounding context.
- Incorporating the use of public spaces at key intersections to reinforce legibility and provide focal areas within the layout as a place to meet.

- Dwellings will face onto open spaces to provide active surveillance.
- Equipped children's play areas will be provided that are accessible, overlooked and integrated with existing and proposed green infrastructure.
- Green infrastructure will encompass a network of integrated green spaces with links to the surrounding area.
- Native specimen trees are to be integrated into the design, either by retaining suitable tree or reserving sufficient space for new tree planting.
- Creating drainage attenuation features that are designed to provide habitat for wildlife and amenity benefits e.g. attractive, naturalistic design and marginal planting.
- Providing landscape buffer planting, particularly along the southern boundary of the site to provide a visual mitigation and to help integrate built form with the wider landscape setting.
- Conserving existing landscape and habitat features to deliver an immediate mature landscape setting for the built development, where possible.
- Encouraging the use of sustainable materials and techniques including measures to deliver energy efficiency and water conservation.

5.4.7 These measures will be secured through a combination of the masterplan, the site-specific Design Code condition, other conditions and future reserved matters applications.

- ii) *Create integrated, accessible and sustainable transport systems with walking, cycling and public transport designed to be the most attractive forms of transport and effectively linking into the surrounding areas;*
- iii) *provide a clear structure and hierarchy of pedestrian friendly streets and well-connected footpaths and cycleways integrate with the wider built and natural environment and communities;*

5.4.8 The site has good connections at the eastern end of the site via existing footpaths/public rights of way to the existing village. The site is a short walk to Wymondley JMI school and a safe route to the school will be encouraged by introducing the central connection to the north of the site from Stevenage Road and the main vehicular access and pedestrian/cyclist route from Stevenage Road in the north-west corner of the site which will provide strong desire lines particularly from the central and southern parts of the site which will also encourage active travel and social interaction.

5.4.9 The site will create a hierarchy of higher and lower order streets that are designed as primary and minor movement routes. This will include a network of well-connected, attractive and inclusive street and footpaths which will deliver a choice of different movement routes including a central west-to-east active travel corridor. Footpath links will be introduced into existing surrounding residential areas and at locations around the perimeter of the development for formal recreational routes. Streets will be designed principally for people, with priorities where possible for pedestrians and cyclists e.g. varied surface treatments and tree planting.

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

5.4.10 The proposed development is too small to require any on-site community facilities but has been designed to maximise pedestrian connections to surrounding facilities within Little Wymondley and the wider Rights of Way and cycle network to Great Wymondley and Stevenage. Enhancing pedestrian access directly from the site to the existing village will support active travel.

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

5.4.11 The Strategic Masterplan proposes a development that will provide a sensitive southern extension to Little Wymondley that reflects the prevailing character of Little Wymondley. It will strengthen and connect to the wider green infrastructure network.

- vi) *Create an accessible multi-functional green infrastructure network that provides:*
- *A key structuring and functional placemaking feature supporting healthy lifestyles, sport, play and recreation, linking into the wider Green Infrastructure*
 - *A high-quality integrated network to support ecological connectivity, biodiversity net gain, climate adaptation and mitigation linking into the Ecological Network*

5.4.12 The Green Infrastructure Network has been designed to retain and enhance existing site features and to link these to new green links and spaces within the development providing access to good quality multi-functional green space for residents. The key spaces comprise:

- North-South and East-West green corridors for pedestrian and cycle movements linking into the wider network. This will also provide space for individual tree planting and landscaping.
- Provision of SUDs and attenuation features to serve the site.
- Play areas in the form of LEAPs and LAPs.
- Natural and semi-Natural green space at the southern edge of the site which will provide informal walking and recreational routes.
- Parks and gardens within the central green space and the green corridors which links the green spaces through the site amongst the existing trees and hedgerows.
- A new off-site allotment is proposed on land behind Sicut Road in consultation with Wymondley Parish Council. The allotment area will be approximately 0.17 hectares in size. Management arrangements will need to be agreed.

- vii) *Ensure the effective use of sustainable urban drainage and sustainable water management;*

5.4.13 The proposed drainage arrangement will comprise of permeable pavements and five on-site attenuation basins to provide attenuation source control, water quality treatment, biodiversity and amenity enhancement prior to discharging surface water via a proposed Anglian Water sewer into Ash Brook. Conditions have been recommended to agree and secure the full details of the SUDs strategy.

5.4.14 The proposed foul drainage strategy will comprise of a traditional gravity piped system that will discharge to the existing foul water sewer system located to the north-west and north of the site.

5.4.15 A maintenance and management plan for the water feature that form the SUDs system will need to be generated and agreed prior to construction in order that good maintenance practices are followed for the lifetime of the development.

- The development site is partially located within a groundwater source protection zone, but no discharge through infiltration is proposed.
- The British Geological Survey (BGS) online Geology of Britain Viewer indicates the site is entirely underlain by Holywell Nodular Chalk Formation and New Pit Chalk Formation (Chalk). The superficial deposits consist of Lowestoft Formation (Diamicton) and Glaciofluvial Deposits, Mid Pleistocene (Sand and Gravel, with the area immediately surrounding the Ash Brook consisting of Alluvium (Clay, Silt, Sand and Gravel).
- On-site soakage testing undertaken by WSP during May 2020 has confirmed that the discharge of surface water via infiltration is not viable.
- The site is at low or negligible risk from all sources of flooding.
- The proposed development drainage arrangement will comprise of permeable pavements and attenuation basins to provide attenuation source control, water quality treatment, biodiversity and amenity enhancement prior to discharging surface water via a proposed Anglian Water sewer (via a Section 98) into Ash Brook.
- Surface water runoff will be attenuated on-site to the 1 in 100 year storm rainfall event with a 40% allowance for climate change. Discharge will be limited to 2l/s/ha or QBAR in accordance with LLFA guidance thus ensuring off-site flood risk is not increased.
- To ensure the effectiveness of the proposals a maintenance regime will be in place to ensure the future performance of all the SuDS and drainage devices; and

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

5.4.16 The proposed development incorporates a hierarchy of linked public spaces as described in the masterplan.

5.4.17 The Built Form Framework Plan sets out a series of place-making principles to support the high-quality design of public space and public realm. These include:

ix) *Design to last with clear stewardship, management and maintenance plans*

5.4.18 The management and maintenance of green spaces, play areas, SUDs and other components of public realm will need to be agreed to support the lifetime of the development and that green space is sustainably managed to a suitable level of quality and condition for all residents. Further discussion on the most appropriate management organisation, financial requirements and community involvement is required.

- 5.4.19 Other policies relevant to this proposal are set out in Paragraph 2.1 of this report. These may be relevant to key issues raised later in this report. The proposed development has been considered against these policies and the development plan as a whole.
- 5.4.20 As this site and the proposed development has been through the formal, collaborative masterplanning exercise with extensive negotiations and improvements, it is officers' view that the proposals represent a high standard of urban design, in keeping with its context and which would include high quality green infrastructure and multi-functional green spaces. As such, it is considered that an effective masterplan has been secured which would comply with Local Plan policy SP9.

Site Allocation WY1

- 5.4.21 The site is identified in the Local Plan as Local Housing Allocation WY1. Policy WY1 also contains detailed policy criteria for consideration in the determination of any applications for planning permission, which are set out below for ease of reference:

Policy WY1 – Land south of Little Wymondley – 300 homes:

- Appropriate solution for primary education requirements having regard to up-to-date assessments of need;
- Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery;
- Undertake site specific Flood Risk Assessment to address existing surface water and fluvial flood risk issues, particularly along Stevenage Road, including the site's access, and help inform SuDS or other appropriate solution to ensure that pre-existing flooding issues along Stevenage Road are not exacerbated. Hertfordshire County Council, as Lead Local Flood Authority (LLFA), and Stevenage Borough Council should be consulted;
- Sensitive integration into the existing village, particularly in terms of design, building orientation and opportunities for cycle and pedestrian access;
- Transport Assessment to identify and secure a package of improvements to Stevenage Road through Little Wymondley which mitigate the severance impact of the road between the north and south of the village and improves accessibility for non-motorised highway users;
- Proposals to be informed by a site-specific landscape assessment;
- Appropriate mitigation measures for noise associated with A602 Wymondley Bypass to potentially include landscaping and/or insulation and appropriate orientation of living spaces;
- Access to the site to take into account the impact on heritage assets and surface water flooding;
- Minimise impact upon the heritage assets and their settings near the site, to include:
 - e) Any access from Stevenage Road to consider impact upon setting of Listed Buildings;
 - f) Consideration of key views from Wymondley Bury and St Mary's Church;
 - g) Reinforcing existing boundary planting;
 - h) Retention of significant groups of trees within the site;
- Archaeological survey to be completed prior to development; and
- Undertake Contaminated Land Preliminary Risk Assessment, particularly in relation to historic landfill.

5.4.22 The above criteria will be addressed in detail in this report. However, in brief, the application addressed the above in the following way:

- In consultation with Herts County Council Growth & Infrastructure Unit, a financial contribution has been secured towards the expansion of the existing Wymondley JMI school based on a bespoke cost generated from a Feasibility Study carried out for this school expansion. Further details are set out in Table 3.
- The application is accompanied by a Drainage Strategy. Conditions have been recommended by the Lead Local Flood Authority. Further details are provided in the 'Flood risk and drainage' section of this report.
- The application is accompanied by a Flood Risk Assessment. The Lead Local Flood Authority, Hertfordshire County Council and Stevenage Borough Council have not objected to the proposal on flooding or drainage related grounds. Conditions have been recommended by the Local Lead Flood Authority. Further details are set out in the 'Flood risk and drainage section of this report.
- Appearance, layout and scale are reserved matters. However, initial details have been set out in the accompanying masterplan framework and parameter plans. Clear principles have also been set out to inform the proposed on-site active travel network to integrate the site better with the existing village and destinations beyond such as Stevenage and encourage sustainable modes of transport.
- The application is accompanied by a Transport Assessment and a Transport Assessment Addendum setting out a package of off-site highway improvements on Stevenage Road to benefit both pedestrians and cyclists residing on the application site and the existing village. Further improvements are also proposed at the A1 Junction 8. Further details are also set out in the 'Highway matters' section of this report.
- Landscaping is a reserved matter. Notwithstanding this, the application is accompanied by a Landscape Strategy. Further details are also set out in the Landscape Parameter Plan and the Masterplan Document / Design & Access Statement. Conditions relating to trees and soft landscaping have also been recommended.
- The application is accompanied by a Noise Assessment / Acoustic Report. A noise mitigation scheme condition has also been recommended. Further details are set out in the 'Environmental impacts' section of this report.
- One main vehicular and several pedestrian and cyclist accesses are proposed to the site. These have been considered by the NHDC Conservation Team, Historic England and the LLFA, and deemed acceptable.
- The application is accompanied by an Archaeological and Heritage Assessment. Feedback from consultees during the application process has also prompted the applicant to make changes to the scheme in terms of optimising the location of some the development parcels to minimise harm to heritage assets.
- The application is accompanied by an Archaeological and Heritage Assessment. Based on the findings in the report, HCC Historic Environment have confirmed in their consultation response that they consider the development is unlikely to have a significant impact on heritage assets of archaeological interest and do not deem it necessary to impose any conditions requiring any further archaeological investigation work. Further details are set out in the 'Heritage and archaeological impacts' section of this report.
- The application is accompanied by a Preliminary Risk Assessment report. NHDC's Environmental Health team have recommended a condition requiring the submission of a written preliminary environmental risk assessment (Phase I) report

containing a Conceptual Site Model that indicates sources, pathways and receptors, and if required, report and investigative work for any subsequent phases of investigation and/or remediation. Further details are set out in the 'Environmental impacts' section of this report.

5.4.23 It is considered that the proposal adequately addresses the site-specific criteria of Policy WY1, where appropriate given the outline nature of the site, and the submitted Strategic Masterplan indicates that these matters can be met at reserved matters stage.

5.4.24 In conclusion, the proposal is in general accordance with the Local Plan, including the site-specific allocation Policy WY1 as well as Policy SP9 concerning design and sustainability, and the requirement for Strategic Masterplans. This weights neutral in the planning balance.

5.5 Highway Matters

5.5.1 *Chapter 9 Promoting sustainable transport* of the NPPF sets out the overarching objectives and considerations to ensure development provide sustainable options for travel i.e. travel by foot, bicycle and public transport. Paragraphs 110, 115 and 116 confirm the following:

- *Paragraph 110 – The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*
- *Paragraph 115 – In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
 - a) *sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
 - b) *safe and suitable access to the site can be achieved for all users;*
 - c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 48; and*
 - d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*
- *Paragraph 116 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.*

5.5.2 *Local Plan Policy SP6: Sustainable transport* confirms that the Council will seek to secure accessibility improvements and promote the use of sustainable transport modes insofar as reasonable and practicable. *Local Plan Policy T1 Assessment of transport matters* and *Policy T2 Parking* are also relevant considerations.

- 5.5.3 The application is accompanied by a Transport Assessment (dated January 2022) and a Transport Assessment Addendum (dated March 2025) both prepared by WSP. The reports provide details of the existing site and surrounding highway network and reviews the site's location and accessibility to modes other than the private car. The reports also include an assessment of the future travel demands of the proposed development and the potential impact on the local highway network.
- 5.5.4 In terms of vehicular access to the site, an access is proposed at the north-western end of the site of Stevenage Road. This would provide the main vehicular access to/from the site with the intention of serving all homes within the development. Further details are provided in the accompanying technical drawing, 'Site Access General Arrangement – Drawing No. 6704-CV-011 P07'.
- 5.5.5 In relation to proposed car and cycle parking details, this is an outline application with all matters reserved except for the means of access, therefore, no parking details are provided at this stage. Notwithstanding this, general principles for site wide car parking will be secured via the Masterplan Compliance Statement condition. Any future reserved matters applications will need to demonstrate that adequate provision is made for car and cycle parking for the relevant uses having regard for the relevant guidance and policies at the time of submission.
- 5.5.6 In terms of walking and cycling (active travel), initial detail and design principles have been set out in the 'Access, Active Travel & Vehicular Hierarchy Framework Plan' and 'Design & Access Statement & SP9 Document: Masterplan Framework and Design Parameters' document. This includes details of proposed active travel routes throughout the site and proposed connection points to the west of the site on Blakemore End Road, the north of the site on Stevenage Road and the east of the site at the existing Tower Close playground. Further details will be secured through the Masterplan Compliance Statement condition, other recommended conditions and future reserved matters submissions.
- 5.5.7 The issue of increased traffic generated by residential of the proposed development and issues relating to existing highway capacity is of great concern to many local residents, and this has been raised in many of the objections received on this proposal. Concerns have been raised about the levels of congestion and rat running currently experienced on Stevenage Road.
- 5.5.8 In terms of the assessment of the submitted Transport Assessment and Transport Assessment Addendum, HCC Highways notes that the applicant has undertaken a trip generation exercise in accordance with accepted practice and using a combination of TRICS data and local census outputs. The Highway Authority is satisfied with the submitted assessment and considers that the predicted trip generation would not result in any significant impact on the surrounding local highway network.
- 5.5.9 The Transport Assessment presents a number of junction assessments, including the proposed site access point on Stevenage Road, as set out below:
- J1: A602 / Stevenage Road (priority T-junction);
 - J2: Stevenage Road / Arch Road / Blakemore End Road (roundabout);
 - J3: Sperberry Hill / Blakemore End Road (priority T-junction);
 - J4: Stevenage Road / Site access (priority T-junction);
 - J5: Stevenage Road / Sicut Road (priority T-junction); and

- J6: Stevenage Road / Tower Close / Priory Lane (priority crossroads)
- 5.5.10 The Highways Authority note the analysis of Temprow growth figures as contained with the Transport Assessment Addendum and the Highways Authority is content to accept the assessment work as contained within the Transport Assessment.
- 5.5.11 HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2). Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.
- 5.5.12 In the first instance, HCC Highways would envisage that the following highways improvements and travel plan contributions are delivered via a Strand 1 s106 agreement:
- Access works to Stevenage Road to facilitate active travel including separate emergency access on Blakemore End Road;
 - Central sustainable modes access;
 - Bus stop infrastructure (Kassel kerbs on Sicut Road);
 - Rights of Way improvements;
 - Off-site highways works to facilitate new access involving relocation of traffic calming feature;
 - Contribution towards number 80 bus route of £175,000 per annum for a period of 5 years (£875,000) in order to fund one additional bus; and
 - Travel Plan contribution – Evaluation and support fee of £6,000 or £1,200 per annum over five years.
 - Sustainable Travel contribution – Based on minimum value per unit of £50 per flat and £100 per house and the proposed housing mix of 244 houses at £100 per house and 56 flats at £50 per flat (£27,200).
- 5.5.13 In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit, issued 2021, now in its 2024 updated version. Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF). This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second strand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.
- 5.5.14 For the development proposal, HCC Highways calculates the Strand 2 contribution at £2,958,300 (300 dwellings x £9,861 per dwelling) HCC have identified a number of scheme which are of relevance for a potential Strand 2 contribution:
- SM36 – Signalisation and Bus Priority – A602 Little Wymondley priority T-junction
Introduce traffic signals at the A602/Little Wymondley priority T-junction, including bus priority, in order to reduce delays to bus route 101 and improve public transport access to Little Wymondley, including to new development (estimated cost of £1m-£2.5m);

- SM29 – Stevenage to Hitchin Cycle Route Cycling route between Hitchin and Stevenage via Little Wymondley via Lister Hospital, including improved crossing facilities at A1(M) J8 (estimated cost of £5m-£10m);
- SM84a – A1(M) J8 Capacity A1(M) junction 8 capacity improvements: increase junction capacity for general traffic. Improvement in journey time reliability expected for all vehicles, reducing as trips are attracted to the improved route. Scheme to include safe and attractive pedestrian and cyclist crossing facilities for A1(M) J8; and
- SM84b – A1(M) J8 Capacity and Bus Priority Improvement of A1(M) J8 with a focus on reducing bus journey times, as this junction forms part of an important corridor for bus services between Stevenage and Hitchin. Scheme to include safe and attractive pedestrian and cycle crossing facilities at A1(M) J8 to improve the A602 cycle route SM29 (estimated cost £10m-£50m respectively).

5.5.15 As set out in the Growth and Transport Plan, between Hitchin and Stevenage, congestion at junction 8 of the A1 (M) is a significant issue. A cycle route would facilitate journeys by bike which are not currently possible (SM29). The journey time of buses could be improved with bus priority junction at Stevenage Road / A602 and at A1 (M) junction 8 (SM84) (SM36). Working in partnership with operators could build on these infrastructure upgrades to deliver a reliable, regular and comfortable bus service between Stevenage, Hitchin and Luton (PR57). This package supports improved public transport access to the future expansion of Luton Airport.

5.5.16 The Highway Authority subject to the presentation of an initial Quantity Survey exercise to detail the costs of delivering the Strand 2 off-site highways works, is content that the values could exceed the Highway Authority's theoretical figure for a contribution requirement. As such, the Highway Authority is not actively seeking an additional Strand 2 contribution towards the above listed schemes. The Highway Authority recommend that the off-site highways works as submitted with the current application form part of the planning conditions and Section 106 agreement. Conditions have been recommended accordingly by the Highways Authority.

5.5.17 The applicant has set out at Chapter 6 of the Transport Assessment Addendum produced by WSP (dated March 2025), the initial details of the off-site highway improvement works they have agreed to deliver as part of the development proposal. The different elements are categorised as follows:

- Site Access
- Central Connection
- Emergency Access: Blakemore End Road
- Eastern Connections: Public House and Tower Close
- A1(M) Junction 8 Outline Cycle Connectivity Improvements
- Stevenage Road Footway Widening
- Sicut Road Improvements

5.5.18 Negotiations are currently ongoing between the applicant and the Highways Authority regarding the trigger points for the delivery of the different elements of these off-site highway improvements. The applicant submitted a supplementary technical note on 24 July 2026 which the Highways Authority have been consulted on. Depending on the subsequent advice provided by the Highways Authority, this could prompt a change to the wording of recommended condition 32 and/or condition 33. Any changes to these

conditions in advance of the Planning Control Committee meeting will be addressed by way of a written and/or verbal update.

- 5.5.19 In conclusion, this outline planning application seeks to secure the vehicular access arrangements to this site. Conditions are recommended to ensure the proposal is acceptable from a highways perspective and to secure mitigation measures. The applicant has agreed to pay the requested financial contributions. The proposal is considered to be acceptable from a highways perspective, and the absence of harm weighs neutrally in the planning balance.

5.6 Landscape and visual impacts

- 5.6.1 This is a large-scale housing development. Given its nature and scale there will inevitably be impact on the landscape. Within the context, national and development plan policies adopt an approach where development should only be approved where the harm would be outweighed by the benefits of the development.

5.6.2 *Landscape character*

Paragraph 187 of the NPPF indicates that the intrinsic character and beauty of the countryside should be recognised. The NPPF does not seek to protect the countryside for its own sake from development, rather it concentrates on seeking to protect valued landscapes. The site does not form part of any designated landscape.

- 5.6.3 The NPPF does not define what is a valued landscape, albeit most landscapes are valued in one form or another, but case law demonstrates that value lies in it being considered more than just open countryside. North Herts Local Plan Policy NE2 confirms that planning permission will be granted for development proposals that respect the sensitivities of the relevant landscape character, do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation measures necessary to achieve this, ensure the health and future retention of important landscape features and have considered the long-term management and maintenance of any existing and proposed landscaping.

Landscape character assessment

- 5.6.4 The application site is located in two National Character Areas (NCA). The majority of the site is located in the far eastern end of NCA110 for The Chilterns, with the easternmost part of the site being located in the southernmost tip of NCA87 for East Anglian Chalk. NCA110 The Chilterns is a large area, wider than the designated Area of Outstanding Natural Beauty and comprises extensive wooded and farmed areas, underlain with chalk bedrock that creates the north-west facing escarpments, long views out and small streams that provide a major source of public water supply. NCA87 is described as comprising ‘a visually simple and uninterrupted landscape of smooth, rolling chalkland hills with large regular field enclosed by hawthorn hedges, with few trees and expansive views to the north’.
- 5.6.5 The Council published the North Herts Landscape Study as part of the Local Development Framework in 2011 which is based on the Hertfordshire Landscape Character Assessment and subsequent sensitivity and capacity work. The site is within Region 2 The Chilterns and Region 3 The East Anglian Chalk, and detailed LCA 215 Wymondley and Titmore Green area. The key characteristics of the Wymondley and Titmore Green LCA

are listed as: *'rolling calk landscape; irregular sized fields in arable with parcels of grazing adjacent to settlements; historic pattern of small winding lanes and historic place names; and mature tree cover'*.

5.6.6 The built development guidelines for the character area LCA 215 include:

- *Conserve the traditional character of the settlements, ensuring that any development located within or on the edge of the villages uses appropriate vernacular materials and features to avoid inappropriate visual impact;*
- *Protect and preserve the pattern of narrow winding lanes and associated hedge banks, sunken lanes, verge and hedges;*
- *Encourage the retention and additional planting of vegetation along the A1 and A602 to enhance screening;*
- *Encourage the planting of appropriate broadleaved woodland and vegetation to screen and new development;*
- *Retain the rural character and intimate scale of Wymondley and Titmore Green, ensuring that any new development is appropriately sited and of a scale, form and style appropriate to the Character Area;*
- *Avoid the location of new development in visual intrusive locations, such as on upper ground or where they would be visible on the skyline;*
- *Ensure that new development does not necessitate the removal of existing woodland blocks or the loss of surviving calcareous grassland habitats and ancient hedgerows;*
- *Ensure that lighting associated with new development does not create additional urbanising influences on the Character Area; and*
- *Use the opportunity of any developments to create new accessible green infrastructure.*

Review of the submitted Landscape and Visual Appraisal (LVA)

5.6.7 The application is accompanied by a Landscape and Visual Appraisal document produced by The Environmental Dimension Partnership Ltd, which identifies the landscape and visual effects of the proposed development.

5.6.8 The LVA identifies the baseline conditions of the site and the surrounding area and determines those landscape and visual characteristics that might inform the design of the development proposals, including recommendations for mitigation. It then provides an assessment of the landscape and visual effects predicted to arise from the development of the site with reference to the baseline analysis.

5.6.9 The appraisal concludes that the long-term impact of the proposal on the landscape character of the site itself would be minor, with adverse effects largely relating to the perceptual and sensory dimension of landscape character. The setting of the site, being located between the existing built context of Little Wymondley and the A602, and the barely perceptible appreciation of the site from within the wider context, makes it less important to the overall perception of landscape character. Any effects arising from the proposed development are predicted to be very geographically limited, largely to short sections of adjacent PRow and road corridors in close proximity to Little Wymondley. The proposals give rise to the potential for beneficial effects on landscape features through the retention, enhancement and addition of trees, hedgerows and new open spaces.

- 5.6.10 Place Services (Landscaping) were consulted on this application submission, and particularly the LVIA. They noted that paragraph 7.9 of the LVIA judges that the site has a low sensitivity and high magnitude of change, and a moder/minor adverse effect. They judged that the overall effect assessed is too low and should be assessed to be a moderate overall effect.
- 5.6.11 In terms of the visual effects within the 2km study area, the report concludes this effect would be limited by screening within the wider context and also by local topography which is undulating. The existing landscape framework would be enhanced as part of the proposals, further limiting visual effects. Notable visual effects were only recorded for receptors in close proximity to the site boundary, predominantly for existing residents with views into the Site from a peri-urbanised setting and from a PRoW which crosses within the site's eastern boundary. With the exception of these receptors, visual effects are limited to moderate/minor, predominantly from locally promoted routes.
- 5.6.12 The appraisal finds that notable effects of the proposed development on landscape and visual receptors are contained well within the 2km study area, largely only extending to the south. Within the wider context, baseline landscape character and visual amenity are only marginally affected, if at all.
- 5.6.13 On this matter, Place Services (Landscaping) concluded that the included viewpoint receptors are representative of the available views surrounding the application site. They also have limited concerns regarding the judged effects outlines within the submitted LVIA. However, where these judgements may differ, these are not deemed to be substantial.
- 5.6.14 Initial mitigation details are set out in the Design and Access Statement & SP9 Document: Masterplan Framework and Design Parameters document, the Green Infrastructure & Play Framework Plan, the Built Form Framework Plan, the Design & Access Statement, the LVA and accompanying Landscape Character Framework Plan, and supporting drainage and ecology reports. Together, these documents are considered positive steps toward addressing potential visual and landscape impacts. The documents express a broadly landscape-led approach and demonstrate an intention to deliver a high-quality and multifunctional green infrastructure network.
- 5.6.15 The Green Infrastructure Plan divides the GI network into a series of clearly defined spaces. The GI areas are configured around the edges of the three residential parcels, with structural green buffers proposed to the east and south. These green edges are particularly important given the site's location adjacent to the Green Belt, and the potential adverse impact on the wider rural landscape and visual impacts from PRoWs and rural lanes. Their treatment is a critical part of achieving a sensitive urban-rural transition and have been conditioned accordingly.
- 5.6.16 Conditions have been recommended to ensure the future implementation of a comprehensive Green Infrastructure network which include a Site-Specific Design Code condition, hard and soft landscaping conditions, and a Landscaping Ecological Management Plan (LEMP) condition.

Conclusion on the impact on wider landscape and visual setting

- 5.6.17 In conclusion, it is considered that the proposal would inevitably have some adverse landscape and visual impacts. However, through a combination of topography, existing screening, and the provision of landscaping, it is considered that the adverse effect would

be localised and limited as far as possible. Mitigation planting measures can be secured by conditions, and such measures would be beneficial to the landscape and biodiversity. Therefore, there would be some conflict with Local Plan policies. Overall, therefore, it is considered that the identified visual and landscape harm should be attributed moderate weight in the planning balance.

5.7 Heritage and archaeological impacts

Heritage

- 5.7.1 Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 stipulates that when considering whether to grant planning permission for development which affects a listed building, or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses. Effect upon listed buildings therefore should be given considerable importance and weight. Relevant factors include the extent of assessed harm and the heritage value of the heritage asset in question.
- 5.7.2 Paragraph 207 sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 5.7.3 Paragraph 208 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset.
- 5.7.4 Paragraph 210 sets out that local planning authorities should take account of 'the desirability of new development making a positive contribution to local character and distinctiveness'.
- 5.7.5 Paragraph 212 of the NPPF sets out that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'
- 5.7.6 Paragraph 213 sets out that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'.
- 5.7.7 Paragraph 215 of the NPPF states 'where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'.
- 5.7.8 Local Plan Policy SP13 confirms that the Council will balance the need for growth with the proper protection and enhancement of the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting.
- 5.7.9 Local Plan Policy HE1 stipulates that planning permission for development proposals affecting designated heritage assets or their setting will be granted where they will, amongst other things, lead to less than substantial harm to the significance of the

designated heritage asset and this harm will be outweighed by the public benefits of the development, including securing the asset's optimum viable use. This policy reflects paragraph 215 of the NPPF, which confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.7.10 The application site is not subject to any local or national designations such as world heritage sites, scheduled monuments, listed buildings, conservation areas, registered parks and gardens or registered battlefields.

5.7.11 The application submission is accompanied by an Archaeological and Heritage Desk-Based Assessment prepared by The Environmental Dimension Partnership Ltd, that identify the designated heritage assets, potential archaeological interest within the site and the significance of these assets. Within a 1km radius of the site boundary, the report identified the following:

- One ancient scheduled monument – Wymondley Priory
- Listed buildings – 2 Grade I, 6 Grade II* and 28 Grade II
- Two conservation areas – Great Wymondley and St Ippolyts Village Conservation Areas
- Variety of other non-designated heritage assets

5.7.12 Historic England's original consultation response to the application stated, *"The list description for the Grade II* Wymondley House describes it as a Country House. As such it would be expected to enjoy a rural setting, with open countryside adjoining its gardens. The site boundary for the proposed development tightly abuts the grounds of Wymondley House on its east, south and west sides, severing any linkage from the former country house to the open countryside and thereby suburbanising its setting. This change would result in harm to the significance of Wymondley House. In addition to the harm to Wymondley House and the Grade II listed buildings along the south side of Stevenage Road, the development also has the potential to harm Wymondley Bury (Grade I) and Church of St Mary the Virgin (Grade II*). The extent of harm to the significance of all these nearby listed buildings arising from this development could be of a high order, although it is unlikely to result in substantial harm in terms of the NPPF. As such, it would therefore be necessary for any application to be determined in accordance with paragraph 202 of the NPPF, with the harm weighed against the wider public benefits arising from the proposal. It would then be up to the Local Planning Authority to undertake that weighing exercise and to be satisfied that the public benefit from the development would outweigh any harm, if minded to approve the application"*.

5.7.13 Historic England concluded, *"that the proposed development would result in a profound level of change to land that falls within the setting of highly graded heritage assets referenced above, and that this would have a negative effect upon the way that they are appreciated within the wider historic setting. We therefore judge that the proposed development would result in a level of less than substantial harm to their significance"*.

5.7.14 On the back of Historic England's comments, the applicant revised their masterplan drawings by completely removing the development parcel situated nearest to the Grade II* listed Wymondley House known as 'Parcel 2'. One of the SUDs attenuation features is

now proposed in this location instead and the housing in this parcel is proposed to be redistributed in other development parcels around the site. The Illustrative Masterplan drawing provides an indicative example of how this could be achieved within an example site layout. The applicant also provided an updated Archaeological & Heritage Assessment.

- 5.7.15 Following reconsultation, Historic England responded with the following comments. *“The removal of the section of development from land immediately south-west of Wymondley House would preserve more of its historic setting and this is welcome. However, whilst this might reduce the impact to some degree, we believe that the proposed scheme would nevertheless result in harm to the significance of Wymondley House and other nearby highly graded heritage assets in NPPF terms as set out in our initial consultation response, and our position therefore remains. We judge the level of harm to be less than substantial and would urge you to consider whether any negative impacts could be mitigated by appropriate means such as landscaping. Any harm to the designated heritage assets should then be weighed against the public benefits of the proposal in accordance with the requirements of NPPF policy 215”.*
- 5.7.16 The Historic England comments consider the proposal would result in harm to the listed buildings located closest to the site on the south side of Stevenage Road, with potential harm to the Grade I listed Wymondley Bury and Grade II* listed Church of St. Mary the Virgin both to the east of the site. As set out in paragraph 212 of the NPPF, great weight should be given to an assets conservation irrespective of the harm identified. Paragraph 215, as set out in the report above, sets out that where a development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
- 5.7.17 As set out above, Historic England consider the proposal would result in a ‘less than substantial’ level of harm. Officers consider this identified harm to be at the lower end level of ‘less than substantial’ harm. The benefits of the scheme would include the delivery of up to 300 new homes and its associated infrastructure that is an allocated housing site in the North Herts Local Plan. This in turn will significantly contribute towards the District’s delivery of housing, and particularly the 5-year housing land supply. It is considered that this would amount to a significant public benefit that would outweigh the less than substantial harm that the proposal would have on the designated heritage assets.

Archaeology

- 5.7.18 North Herts Local Plan Policy HE4 on Archaeology states that permission for development proposals affecting heritage assets with archaeological interest will be granted provided that: a. developers submit an appropriate desk-based assessment and, where justified, an archaeological field evaluation. Policy HE4 as modified also states that *‘Areas of as yet, unknown archaeology may be identified during research, or through the planning or plan making process. These sites or areas should be treated in the same way as archaeology areas and areas of archaeological significance’.* The NPPF paragraph 212 sets out the same approach to sites of archaeological significance as other heritage assets, in that *‘great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)’.* Paragraph 216 also requires *‘in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’*

- 5.7.19 The application submission is accompanied by an Archaeological and Heritage Assessment prepared by the Environmental Dimension Partnership Ltd (dated January 2025) which confirms that the results of a geophysical survey in 2020 and a trial trench evaluation in December 2021 within the site, demonstrated that it has a low potential for archaeological remains from any period, other than those related to post-medieval and later farming practices. Given the results of this work, no further archaeological investigations are recommended either pre or post determination.
- 5.7.20 Further to the above, HCC Historic Environment have confirmed in their consultation response that they consider the development is unlikely to have a significant impact on heritage assets of archaeological interest and do not deem it necessary to impose any conditions requiring any further archaeological investigation work.
- 5.7.21 In conclusion, the proposal has low potential for archaeological remains, therefore, no further archaeological investigation work is required.
- 5.7.22 Overall, in relation to heritage and archaeological impacts, it is considered this matter attracts limited harm in the planning balance.

5.8 Ecology and Biodiversity

- 5.8.1 *Chapter 15 Conserving and enhancing the natural environment of the NPPF requires decisions to contribute to and enhance the natural environment. Local Plan policies SP1 – Sustainable development in North Hertfordshire, SP12 – Green infrastructure, biodiversity and landscape, NE4 – Biodiversity and geological sites and NE6 – Designated biodiversity and geological sites and NE8 Sustainable drainage systems seek to protect, enhance and manage the natural environment.*
- 5.8.2 The 2021 Environment Act introduced an automatic requirement for every planning permission granted to achieve a 10% Biodiversity Net Gain (BNG). The current application was submitted in April 2022 which was prior to the mandatory BNG requirements being enacted in February 2024. However, the application includes a BNG assessment. This is considered below.
- 5.8.3 The associated features of the land, such as trees and hedgerows are likely to contain at least some features of biodiversity interest and value and are sought to be retained and incorporated into the masterplan as far as possible. An Ecological Appraisal and Ecology Update Report incorporating Biodiversity Net Gain matters, together with a Biodiversity Metric demonstrate that the site would result in a measurable net gain in biodiversity, compared to the current situation.
- 5.8.4 Whilst the proposals would result in the loss of agricultural fields, these score relatively low, in terms of biodiversity and habitats. The proposals would also result in some loss of existing trees hedgerows most notably to accommodate a new vehicular access to the site and internal road infrastructure. The results of the Biodiversity Metric calculation show that overall, the development is capable of achieving an on-site net gain in habitat units of 2.71%, and an on-site net gain in hedgerow/linear units of 48.90%. This will be through:
- Establishment of different types of grassland areas throughout the site;
 - Significant areas of buffer planting particularly along the southern site boundary;
 - Areas of scattered scrub habitat within the southern area of public open space;

- Planting of over 200 urban trees across the site;
 - Introduction of dry SUDs features throughout the site which will support a mix of other neutral grassland and scrub; and
 - Creation of new native hedgerows and woodland areas along several of the site boundaries.
- 5.8.5 The retention and creation of new on-site habitat will enhance the existing ecological network by strengthening wildlife corridors and habitats to improve habitat functionality and connectivity.
- 5.8.6 Officers consider that there would not be any harm to biodiversity and ecology. In addition, in order to seek to ensure the delivery and longer-term viability of the on-site mitigation (landscaping, natural grasslands etc), a suitable planning condition would also require the management and maintenance of these features.
- 5.8.7 Overall, it is considered there are no ecological impacts arising from the proposals that cannot be mitigated. Further details of mitigation measures can be secured by conditions. In relation to on-site biodiversity net gain (BNG), the proposal will secure an on-site net gain in habitat units of 2.71%, and an on-site net gain in hedgerow/linear units of 48.90%. This will comfortably exceed the minimum requirement for this application across the site and is considered a moderate benefit in the planning balance.
- 5.9 Tree Impacts**
- 5.9.1 *Chapter 15 of the NPPF – Conserving and enhancing the natural environment* – confirms that proposals should protect and enhance the natural environment. *Local Plan Policy SP1: Sustainable development in North Hertfordshire* seeks to protect key elements of North Hertfordshire’s environment. *Local Plan Policy NE2 Landscape* seeks to ensure the health and future retention of important landscape features and their long-term management and maintenance.
- 5.9.2 The site contains areas of existing trees and hedgerows throughout the site and along the site boundaries. Full details are provided on the submitted Tree Constraints Plans. The application is supported by an Arboricultural Impact Assessment prepared by The Environmental Dimension Partnership Ltd. This sets the nature and extent of proposed tree losses and provides mitigation and protection measures to ensure the viable long-term retention of retains trees in the context of the development proposals.
- 5.9.3 To facilitate the development proposal including the new main vehicular access and spine road from Stevenage Road into the site, the report identifies that three category ‘A’ trees, five category ‘B’ trees, sixteen category ‘C’ trees and seven category ‘U’ trees would need to be removed. A package of off-site highways improvements is proposed to Stevenage Road and the A1M Junction 8 as part of this application. To facilitate these off-site works, the report identifies that one category ‘B’ and fourteen category ‘C’ trees, groups and hedgerows would need to be removed.
- 5.9.4 Conditions to secure appropriate Arboricultural Method Statements and other relevant tree impact related information are both necessary and reasonable. This information will need to adhere to the recognised standard BS 5837: Trees in Relation to Construction.

- 5.9.5 As set out above, some trees of varying quality and vegetation Some low-quality will need to be removed to facilitate the development primarily for access purposes and in respect of the wider off-site highways works. Their loss would be compensated by the extensive new planting secured as part of the site's landscaping which includes the on-site planting of over 200 trees. Precise details of tree impacts can be appropriately managed by way of further surveys and information and can be secured by conditions in the event permission is granted. This matter weighs neutral in the planning balance.

5.10 Open Space Provision

- 5.10.1 Chapter 8 of the NPPF confirms that development proposals should aim to achieve healthy, inclusive and safe places which: 'enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling' (para.96).
- 5.10.2 NHLP Policy NE1 encourages the protection, enhancement and creation of new strategic green infrastructure network, with appropriate long-term maintenance and management; and requires suitable mitigation to address adverse impacts on the strategic green infrastructure network.
- 5.10.3 NHLP Policy NE6 ensures that development proposals 'make provision for new and/or improved open space which: • Meets the needs of arising from the development having regard to the Council's open space standards and other relevant guidance; • Contributes towards improving the provision, quality and accessibility of open space; and • Incorporate any necessary open space buffer(s) for landscape, visual, ecological or air quality reasons...'
- 5.10.4 The policy also covers requirements for long term management and maintenance arrangements; consideration to phasing; and requirements for financial contributions which meet an identified need.
- 5.10.5 The FiT standard would normally require 5.35ha of open space per 1,000 population. This should be made up of 1.6ha for outdoor sports and 0.55ha for play space, leaving a need for 3.2ha to be provided on site. In this case, sport provision will be provided off-site through financial contributions. No sports facilities will be provided on site however the applicant has committed to financial contribution toward a range of existing off-site facilities where projects have been identified (see section 5.11 below).
- 5.10.6 Based on the Green Infrastructure & Play Framework Plan, the development proposal would provide a total of 10.58ha of open space which comfortably exceeds the required FiT standard. The proposed onsite greenspace would comprise a variety of different formal and informal green spaces throughout the site incorporating informal recreational routes, and strategic green corridor/active travel routes, plus tree planting and a woodland and scrub buffer along the southern perimeter of the site. SUDs attenuation features and play spaces are also proposed.

- 5.10.7 Regarding play space, a development of this size is expected to deliver a minimum of one LAP, one LEAP as well as informal play provision. The applicant is proposing to deliver two LAPs and one LEAP which exceeds the minimum quantum and has confirmed these would provide 0.25ha of equipped play space which exceeds the minimum project requirement of 0.18ha. In terms of informal play provision, a development of this size is required to provide a minimum of 0.22ha of informal play space. Although no commitments have been made regarding informal play provision at this stage, it is anticipated that the applicant will need to submit further details as part of the Site-Specific Design Code and/or any future reserved matters applications in order to comply with the requirements of the recently adopted District Wide Design Code. In addition, a financial contribution of £75,000 will be made towards the refurbishment and upgrading of the existing Tower Close LEAP which will also include the provision of new outdoor adult gym equipment. A further financial contribution of £45,000 will be made towards setting up new allotments and a community garden to the rear of Sicut Road in lieu of on-site provision.
- 5.10.8 Regarding long term management and maintenance of greenspaces, the Council's greenspaces team confirmed they currently do not undertake any significant ground maintenance activities in the Little Wymondley area. Therefore, it is considered that the site would be better managed in this instance by a management company, or the Parish Council if this is considered to be a viable and practical option.
- 5.10.9 In summary, the development proposal would comfortably exceed the minimum standards for the provision of open spaces and equipped play spaces. Although there is currently a shortfall of on-site informal play provision, further details will need to be submitted as part of future reserved matters applications to comply with the District-Wide Design Code. Financial contributions have also been secured in respect of off-site allotment provision and to improve the existing Tower Close LEAP. Further off-site financial contributions have also been secured in lieu of on-site sport facilities at the adjacent Wymondley playing fields and sport pavilion, and for projects in the nearby settlements of Hitchin, Letchworth and Stevenage. Altogether, this addresses this need in accordance with the NPPF, and NHLP Policies NE1 and NE6. It is considered this matter weighs neutral in the planning balance.
- 5.11 Sport Facility Impacts**
- 5.11.1 Section 8 of the NPPF also requires planning decisions to aim to achieve healthy, inclusive and safe places. Para. 103 clarifies that 'access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change...Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate'.
- 5.11.2 NHLP Policy SP10 says that the council will provide and maintain healthy, inclusive communities for our residents by (i) supporting the retention...and (ii) require appropriate levels of new community, cultural, leisure and built sport and recreation facilities to be provided in new developments.
- 5.11.3 The masterplan confirms that the site will make provision for green corridors, active travel connections to and from the site, play areas, cycle access throughout the site, informal greenspaces, and access to the countryside from the site by foot. There is no on-site

sports provision otherwise, particularly because of a combination of the site characteristics and topography of the site doesn't lend itself to pitch provision. The site is located sustainably within Little Wymondley, and it is logical to contribute towards existing facilities within the village and facilities in nearby the nearby settlements of Hitchin and Stevenage given the scale of development.

- 5.11.4 The council adopted an updated Playing Pitch Strategy and Action Plan in October 2025. It provides an update on the 2018 document and plans for various sports, playing pitches, changing rooms, and leisure facilities for the area. Sports England applied their playing pitch calculator to the proposals, which identifies a need for natural and artificial grass pitches and changing rooms for football, rugby, hockey, as well as sports halls, swimming pools and tennis. Although the calculator identifies demand for cricket, as there is no local need demonstrated, no contributions are being sought.
- 5.11.5 This, together with feedback from consultees, has resulted in the applicant committing to a package of contributions towards sports in Little Wymondley, and for projects in Hitchin, Letchworth and Stevenage to help mitigate the impact of the additional residents in the village. The council's adopted Developer Contributions SPD also sets out the broad framework for the provision of sports pitches and facilities in relation to new developments. Contributions were considered most suitable in this instance, due to the existing site characteristics, limited capacity given the housing numbers, and existing clubs and facilities particularly in the village that have the potential for upgrades. Capital sum contributions towards sports pitch and facilities needs are recommended on the basis that: there are current facility deficiencies; and there are identified projects that contributions could be used towards in order to ensure that the CIL Regulation 122 tests can be met.
- 5.11.6 These contributions are set out in the table at paragraph 5.16.4 below and sufficiently mitigates the need of the development on local sporting facilities. This is neutral in the planning balance.

5.12 Flood Risk and Drainage

- 5.12.1 National policy on issues relating to flooding is set out in the NPPF at paragraphs 170 to 182. This emphasises the importance of considering the potential for flooding for new developments, particularly in areas identified at high risk. It also requires the consideration of incorporating sustainable drainage solutions where necessary and appropriate.
- 5.12.2 *Local Plan Policies SP11, WY1, D1, NE7 and NE8* collectively seek to ensure that development does not result in unacceptable flood risk, prioritises the development of land at low risk from flooding and the use of sustainable drainage systems (SuDS).
- 5.12.3 The majority of the site lies within flood risk zone 1, where there is a low probability of flooding from fluvial and tidal sources. All the proposed dwellings would be located within flood risk zone 1. The northernmost end of the site where the proposed vehicular access would be located off Stevenage Road lies within flood risk zone 2. Given the size of the application site and that residential development is proposed, the application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy produced by WSP.

5.12.4 Based on the information presented in the FRA. The report concludes that:

- The development site is partially located within a groundwater source protection zone, but no discharge through infiltration is proposed.
- The British Geological Survey (BGS) online Geology of Britain Viewer indicates the site is entirely underlain by Holywell Nodular Chalk Formation and New Pit Chalk Formation (Chalk). The superficial deposits consist of Lowestoft Formation (Diamicton) and Glaciofluvial Deposits, Mid Pleistocene (Sand and Gravel, with the area immediately surrounding the Ash Brook consisting of Alluvium (Clay, Silt, Sand and Gravel).
- On-site soakage testing undertaken by WSP during May 2020 has confirmed that the discharge of surface water via infiltration is not viable.
- The site is at low or negligible risk from all sources of flooding.
- The proposed development drainage arrangement will comprise of permeable pavements and attenuation basins to provide attenuation source control, water quality treatment, biodiversity and amenity enhancement prior to discharging surface water via a proposed Anglian Water sewer (via a Section 98) into Ash Brook.
- Surface water runoff will be attenuated on-site to the 1 in 100 year storm rainfall event with a 40% allowance for climate change. Discharge will be limited to 2l/s/ha or QBAR in accordance with LLFA guidance thus ensuring off-site flood risk is not increased.
- To ensure the effectiveness of the proposals a maintenance regime will be in place to ensure the future performance of all the SuDS and drainage devices; and
- The proposed foul drainage strategy will comprise of a traditional gravity piped system that will discharge to the foul water sewer at MH1403 and MH8502 located to the north-west and north of the site, respectively.

5.12.5 Affinity Water have confirmed the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ). It is also located on historic landfill which has prompted the request for a particular condition around having an intrusive ground investigation plan submitted in the first instance for review, prior to the commencement of an intrusive ground investigation. Several conditions have been suggested by Affinity Water relating to these matters.

5.12.6 The Lead Local Flood Authority have confirmed in their consultation response the details submitted within the Flood Risk Assessment (FRA) and Drainage Strategy are in accordance with the NPPF and North Herts Local Plan, and do not object to the development proposal subject to four conditions being attached to any consent if this application is approved.

5.12.7 Anglian Water initially objected to the proposed development due to the intended connection to the public foul drainage network based on a lack of capacity at the Ashbrook Water Recycling Centre (WRC) to accommodate the additional flows that would be generated by the proposed development. However, a further response was received in June 2026 confirming that their data and methodology for assessing headroom at WRC's was updated in April 2026. Based on the latest dataset, the Ashbrook WRC now has available capacity for the application and Anglian Water have subsequently confirmed they are satisfied to withdraw their objection to this development. Several informatives have been recommended and are detailed at Section 9.0 of this report.

5.12.8 In summary, it is concluded there would no harm arising to matters relating to flood risk and drainage, and this matter weighs neutral in the planning balance.

5.13 Environmental Impacts

5.13.1 *Chapter 15 Conserving and enhancing the natural environment* of the NPPF requires decisions to contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should also seek to improve local environmental conditions such as air and water quality (paragraph 187). *Local Plan Policy D3 Protecting Living Conditions* confirms that new development should protect residential amenity for existing local residents. *Local Plan Policy D4 Air Quality* requires developments to consider air quality impacts arising from development, carry out assessments and identify mitigation measures where necessary.

Noise

5.13.2 The application is accompanied by an Acoustics Noise Assessment Report prepared by WSP (dated March 2025). The report confirms the only noise sources considered to be material in the determination of the application is road traffic on the A602. Overall, it is considered noise will not comprise a constraint for much of the development. Depending on the final layout of the development, some façade mitigation may be necessary on the exposed elevations of a small number of units. Whilst acoustic glazing would not be necessary even for these units, the installation of alternative acoustic ventilation, such as wall vents, would be justified to allow noise sensitive residents to ventilate exposed rooms without opening windows.

5.13.3 Further to the above, the Council's Environmental Protection Team have recommended a noise mitigation scheme condition for protecting the proposed dwellings. Matters relating to mitigation measures for managing noise during the construction phase can be secured through the suggested Construction Traffic Management Plan condition.

Land Contamination

5.13.4 The application is accompanied by a 'Preliminary Risk Assessment' prepared by WSP. The Council's Environmental Protection Team confirmed they did not object to the application with respects to contamination on land. However, given the report recommends that given the sensitive nature of the proposed use (residential), and the potentially contaminative former uses of the site (quarrying, waste deposition and agricultural), intrusive investigation should be undertaken at this site. A condition has therefore been recommended relating to a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors, and any subsequent phases being undertaken and appropriate remediation if required undertaken, all pre-commencement of development.

Air Quality

5.13.5 Paragraph 110 of the NPPF states that *'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to*

travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health'. NPPF paragraph 199 (under section 'Ground conditions and pollution') states that 'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement'.

- 5.13.6 The application is accompanied by an Air Quality Assessment prepared by WSP (dated August 2021). The report confirms that during the construction phase, there is a medium risk of dust soiling amenity impacts and a low risk of health impacts from increases in particulate matter concentrations due to construction activities. However, through good site practice and the implementation of suitable mitigation measures, the effect of dust and particulate matter releases would be significantly reduced. The residual effects of the construction phase on air quality are assessed as negligible.
- 5.13.7 In terms of the assessment of the potential air quality impacts associated with traffic generated by the operational phase of the proposed development, the report confirms the results of the dispersion modelling study demonstrate that the local air quality impact is likely to be negligible at existing sensitive receptors and as such, the proposed development is considered suitable for its proposed land use.
- 5.13.8 It is considered that any air quality impacts can be addressed through appropriate mitigation measures in relation to both the construction and operational phases of the development. These details can be secured through the recommended Site Waste Management Plan and Construction Traffic Management Plan conditions. In relation to operational impacts, the main forms of mitigation would include electric vehicle charging points for dwellings, together with a site wide Travel Plan to encourage travelling by non-car modes. These matters are considered elsewhere in this report and will be secured through building regulations requirements and conditions.

Conclusion on environmental impacts

- 5.13.9 The supporting documentation confirms that there are likely to be minimal impacts in relation to air quality and noise pollution. Any impacts can be reasonably mitigated through conditions. Further investigative work is required in relation to contaminated land, and this can also be secured via condition. Given the foregoing, there is not considered to be any harmful environmental impacts arising. This matter weighs neutrally in the planning balance.

5.14 Sustainability

- 5.14.1 Chapter 2 of the NPPF Achieving sustainable development requires the sustainability credentials of proposals to be considered. Paragraph 8 requires that all three objectives – *economic, social and environmental* – of the planning system would be met. Chapter 14 Meeting the challenge of climate change, flooding and coastal change confirms that the planning system should support the transition to a low carbon future in a changing climate.

- 5.14.2 The Council passed a Climate Emergency motion in 2019 which pledged to do everything within the Council's power to achieve zero carbon emissions in North Hertfordshire by 2030. The Council has adopted a Climate Change Strategy to promote carbon neutral policies. *LP Policy SP1: Sustainable development in North Hertfordshire is an overarching policy whereas LP Policy SP11 Natural resources and sustainability gives broad support for proposals for renewable and low carbon energy development in appropriate locations.*
- 5.14.3 Local Plan Policy DE1 Sustainable Design requires developments to consider a number of criteria including the need to reduce energy consumption and waste. LP Policy NE12 Renewable and low carbon energy development supports the principle of renewable energy subject to a technical impacts being satisfied. Local Plan Policy SP9 relates to Design and Sustainability and seeks the inclusion of a broad range of sustainability measures in developments.
- 5.14.4 The application submission is accompanied by Energy and Sustainability Statements, both produced by WSP. The statements set out commitments related to energy and carbon that would be adopted, developed and progressed following the outline planning stage. Chapter 5 and Table 5.1 of the Sustainability Statement confirms that the proposed scheme aims to achieve at least 'Bronze' standard for each of the sustainability topics within the Council's Sustainability SPD. Opportunities in terms of material specification and designing for construction to support circular practices will be explored further as the design progresses. A related condition has been recommended which requires the applicant to detail how the development will address and deliver a specific target level under each sustainability theme set out in Table 5.1 of the Sustainability Statement in accordance with the Sustainability SPD.

5.15 Impact upon residential amenity

- 5.15.1 In terms of matters that relate to the effect upon the living conditions of occupiers of neighbouring dwellings, such as loss of outlook, privacy, daylight and sunlight, these matters will be considered at the reserved matters stage, when approval of scale and layout will be sought. However, considering the existing vegetation, and the proposed enhancements, there is no reason to believe that the effect upon the residential amenities of occupiers of nearby residential properties would not be able to be satisfactorily addressed. Therefore, it is considered that the proposal would comply with Local Plan Policy D3, which permits proposals that do not cause unacceptable harm to living conditions. This weighs as neutral in the planning balance.

5.16 Planning Obligations

- 5.16.1 In considering Planning Obligations in relation to this development, the Framework advises that:

"Planning obligations should only be sought where they meet all of the following tests:

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

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

5.16.3 The section below outlines the Heads of Terms and financial contributions sought by statutory bodies.

5.16.4 The applicant has agreed to the following obligations and a draft S106 Legal Agreement is well progressed. It is recommended that should Members accept this recommendation and resolve to grant outline planning permission, this should be subject to the completion of the S106 Agreement, with the following obligations:

Element	Details and Justification	Justification
Affordable Housing	Based on 300 units, on site provision of 40% (approx. 120 units) which should be 65% rented tenure (approx. 78 units) and 35% intermediate tenure (approx. 42 units)	NHDC Developer Contributions Supplementary Planning Document (SPD) Feb 2023 Policy HS2 of the Local Plan.
Nursery Education	£0, contribution included within the Primary Education contribution.	Towards the expansion of nursery facilities at Wymondley JMI school and/or provision serving the development.
Primary Education (HCC)	Indicative £3,870,000 index linked to BCIS 4Q2024 towards the expansion of Wymondley JMI school by 0.5FE and/or provision serving the development.	Contribution based on bespoke cost generated from Feasibility Study carried out for this school expansion.
Secondary Education	Indicative £2,927,410 index linked to BCIS 1Q2024.	Towards the expansion of The Priory Secondary School and/or provision serving the development.
Childcare Service 0-2 years	Indicative £681,729 index linked to BCIS 1Q2024).	Towards increasing the capacity of 0-2 year old childcare facilities at a new Community Hall in Little Wymondley or Knebworth and/or provision serving the development.

Childcare Service 5-11 years	Indicative £4,112 index linked to BCIS 1Q2024).	Towards increasing the capacity of 5-11 year old childcare facilities at Wymondley JMI school and/or provision serving the development.
Special Educational Needs and Disabilities (SEND)	Indicative £512,985 index linked to BCIS 1Q2024).	Towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development.
Youth Service	Indicative £71,731 index linked to BCIS 1Q2024.	Towards increasing the capacity of Stevenage young people's centre and/or provision serving the development.
Library Services	Indicative £79,731 index linked to BCIS 1Q2024).	Towards the re-provision of Stevenage Central Library and/or provision serving the development.
Waste Service Recycling Centre	Indicative £1,711 index linked to BCIS 1Q2024.	Towards increasing the capacity of Stevenage Recycling Centre and/or provision serving the development.
Waste Service Transfer Station	Indicative £79,820 index linked to BCIS 1Q2024.	Towards the new Northern Transfer Station and/or provision serving the development.
Fire and Rescue Service	Indicative £26,907 index linked to BCIS 2Q2025.	Towards the expansion of Baldock & Letchworth Fire Station and/or provision serving the development.
HCC Highways – Sustainable Transport Contributions	Strand 1 – Works to be undertaken under s278: • Access works to Stevenage Road, including separate emergency access on Blakemore End Road • Central sustainable modes access;	Policy SP7 Policy SP17 Policy D1 Developer Contributions SPD HCC LTP4

	• Bus stop infrastructure (Kassel kerbs on Siccut Road); • Rights of Way improvements; • Off-site highways works to facilitate new access involving relocation of traffic calming feature; and • Off-site highways works on Stevenage Road in order to facilitate active travel (between site and the A1(M) J8). Strand 1 – Works to be undertaken under s106: Bus Service Improvements – HCC's Passenger Transport Unit requires a contribution towards bus route number 80. The contribution is required in order to find one additional bus at the cost of £175,000 per annum for a period of 5 years = £875,000. This will be index-linked to CPI. Travel Plan contribution – Evaluation and support fee of £6,000 or £1,200 per annum over five years. Sustainable Travel contribution – Based on minimum value per unit of £50 per flat and £100 per house. 244 houses x £100 per house and 56 flats at £50 per flat equates to £24,400 + £2,800 = £27,200 (index-linked to RPI dated from May 2014). Strand 2 – The Highways Authority is not actively seeking a Strand 2 contribution towards any projects subject to the delivery of the projects identified as part of the Strand 1 contribution.	HCC 'Guide to Developer Infrastructure Contributions' 2022
Parish Council	£75,000 (to be index linked) contribution towards upgrading and refurbishing existing play	Developer Contributions SPD (2023)

	equipment, the addition of some items of outdoor gym equipment and the renewal of associated fencing and gates and the installation of safe play bases.	Policy SP10 Policy NE1 Policy NE6 North Herts Playing Pitch Strategy North Herts Indoor Sports Facility Strategy
Parish Council	£45,000 (to be index linked) contribution towards the provision of new allotments and community garden to the rear of Sicut Road. This will require the clearing of the existing overgrown vegetation, the installation of a water supply and for the initial setting up of the allotment plots and community garden.	Developer Contributions SPD (2023) Policy SP10 Policy NE1 Policy NE6 North Herts Playing Pitch Strategy North Herts Indoor Sports Facility Strategy
Sports Contributions – Adult/Youth/Mini Football (Sport England)	The recommendations in the PPS for Little Wymondley Playing Field for football are that the pitch quality should be improved. A need has also been identified to improve the quality of the pavilion. This would be consistent with the advice provided in our initial response. The recommended contribution for football would therefore be £298,655 which is the aggregated figure for adult, youth and mini football pitches and changing facilities. £79,049 of the above figure should be directed towards improving the quality of the football pitches at Little Wymondley Playing Field. The other £219,246 of the above figure should be used towards improving the existing pavilion and/or towards a new community hub on the site. It will be important that sufficient flexibility	Developer Contributions SPD (2023) Policy SP10 Policy NE6 North Herts Playing Pitch Strategy North Herts Indoor Sports Facility Strategy

	is retained to use the contribution towards the existing pavilion and/or community hub project in the event that the community hub is not progressed. Contributions to be index linked.	
Sports Contributions – Rugby Union (Sport England)	There are no rugby clubs in North Hertfordshire district that are in close proximity to Little Wymondley. However, Stevenage Rugby Club is located close to Little Wymondley and would serve the Little Wymondley area although it is located in Stevenage Borough. The action plan for the Stevenage PPS which has been prepared in conjunction with the North Herts PPS has identified that Stevenage Rugby Club are in need of improved rugby pitches and clubhouse facilities. The rugby union contribution should therefore be ring fenced for pitch and clubhouse works at Stevenage Rugby Club. The recommended rugby union contribution would be £68,643 which is the aggregate of the rugby pitch and changing rooms contributions. Contributions to be index linked	Developer Contributions SPD (2023) Policy SP10 Policy NE6 North Herts Playing Pitch Strategy North Herts Indoor Sports Facility Strategy
Sports Contributions – Hockey (Sport England)	There are no hockey pitches in the Little Wymondley area. The nearest facilities in North Hertfordshire district are in Hitchin and Letchworth or in Stevenage (in Stevenage Borough's area). The North Hertfordshire PPS prioritises resurfacing the artificial grass pitches at Letchworth Corner Sports Club and Hitchin Boys School while the Stevenage PPS prioritises resurfacing the artificial grass pitch at Nobel School. Both the North Hertfordshire and Stevenage PPS also prioritise a new hockey artificial grass pitch in an	Developer Contributions SPD (2023) Policy SP10 Policy NE6 North Herts Playing Pitch Strategy North Herts Indoor Sports Facility Strategy

	unspecified location to meet future needs across the sub-region. The use of the contribution towards one or more of these projects would therefore be appropriate. The recommended hockey contribution would therefore be £22,654 which is the sand based artificial grass pitch contribution. Contributions to be index linked.	
Sports Contributions – 3G Artificial Grass Pitch (Sport England)	The Playing Pitch Strategy identifies a need for additional 3G AGPs across North Hertfordshire that would serve the Little Wymondley area. The closest potential sites identified in the PPS are at Fearnhill School (Letchworth), Grange Playing Field (Letchworth) and Priory School (Hitchin). The Stevenage PPS has identified 4 potential sites (Barclay School, Barnwell School Upper, Barnwell School Lower and Thomas Alleyne School) for new 3G AGPs to meet the needs of Stevenage and the surrounding area. Some of these Stevenage sites are closer to Little Wymondley than the Letchworth and Hitchin sites. The use of the contribution towards one or more of these projects either in North Hertfordshire or Stevenage would therefore be appropriate. The financial contribution recommended would be £88,853 which is the 3G AGP pitch and changing facilities contribution combined as new 3G AGPs will need new changing rooms to support them. Contributions to be index linked.	Developer Contributions SPD (2023) Policy SP10 Policy NE6 North Herts Playing Pitch Strategy North Herts Indoor Sports Facility Strategy
Sports Contributions – Sports Halls (Sport England)	In our formal response it was advised that the £144,270 sports halls contribution should be directed towards the sports hall projects at Hitchin (Priory School),	Developer Contributions SPD (2023) Policy SP10

	Letchworth (Fearnhill School or North Hertfordshire Leisure Centre) or Stevenage (Stevenage Sports Centre). I would now be supportive of the sports hall contribution being used towards the community hub project at the Little Wymondley Playing Field and/or any of the Hitchin, Letchworth and Stevenage projects listed. Again, it will be important that sufficient flexibility is retained to use the contribution towards any of these projects given the uncertainty associated with the delivery of the community hub project and the other projects. Contributions to be index linked.	Policy NE6 North Herts Playing Pitch Strategy North Herts Indoor Sports Facility Strategy
Sports Contributions – Swimming Pools (Sport England)	While the emerging ISFS does not identify a need for new swimming pools, it does identify issues with the capacity and quality of existing Facilities. The emerging Stevenage ISFS identified similar issues. There are no existing swimming pools in Little Wymondley, and no new projects are proposed. Therefore, swimming pool demand would need to be met outside of the Little Wymondley area. The closest potential location for meeting swimming pool needs (which is publicly accessible) would be either the Hitchin Swimming Centre where there is a need for refurbishment projects or in Stevenage where the emerging Stevenage ISFS is identifying that the new Stevenage Sports Centre (which will include a new 25m main pool and a teaching pool) would be the top priority project for meeting the swimming pool needs of Stevenage and the surrounding area. A contribution towards either of these projects is recommended therefore. The recommended contribution would be £187,497 as	Developer Contributions SPD (2023) Policy SP10 Policy NE6 North Herts Playing Pitch Strategy North Herts Indoor Sports Facility Strategy

	set out in the Sports Facility Calculator outputs. Contributions to be index linked.	
Sports Contributions – Tennis (Sport England)	The recommendations in the PPS for Little Wymondley Playing Field for tennis are to explore sports lighting to meet demand and sustain the court surfaces. This would be consistent with the advice provided in our initial response. The recommended contribution would be £11,827 as set out in the Sports Facility Calculator outputs. Contributions to be index linked.	Developer Contributions SPD (2023) Policy SP10 Policy NE6 North Herts Playing Pitch Strategy North Herts Indoor Sports Facility Strategy
NHS Hertfordshire and West Essex ICB	The proposed development would deliver 300 dwellings, which based on an average occupancy of 2.4 occupants per dwelling will create circa 720 new patient registrations. Total GMS monies requested: 300 dwellings x £1,671.60 per dwelling = £501,480 (indexed from the date of the planning permission).	The financial contribution for health infrastructure that the HWE ICB is seeking, to mitigate the health impacts from this development has been calculated using a formula based on the number of units proposed and does not take into account any existing deficiencies or shortfalls in Little Wymondley and its vicinity, or other development proposals in the area.
HCC Monitoring Fees	£420 (index linked) for each distinct trigger point.	
NHDC Monitoring fees	2.5% of NHDC contributions capped at £25,000 (to be index linked)	

Table 3: Heads of Terms for S106 Agreement

5.16.6 Discussions are ongoing regarding the wording of the s106 Agreement, such as trigger points. However, it is considered that the s106 Agreement is advanced enough to refer this matter to Planning Committee and that the outstanding issues are minor in nature and can be resolved prior to issue of the decision.

5.16.7 All the elements of these Obligations are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In the light of the detailed evidence, all the elements of the Obligation meet the policy in paragraph 256 of the NPPF and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

5.17 Planning Balance and Conclusion

5.17.1 This site is allocated for residential development in the adopted Local Plan. The proposal meets the site-specific criteria for Site WY1, and the proposal is in general conformity with Policy SP9. It is considered that the application is acceptable in principle.

5.17.2 Great weight is given to the impact of the development identified upon designated heritage assets. Less than substantial harm was identified, with the harm being at the lower end level of the less than substantial continuum. However, the contribution of the proposal to deliver up to 300 new homes is a substantial public benefit, which has been identified earlier in this report as to outweighing the less than substantial harm to the designated heritage assets.

Table 4 – Benefits and harms

Issue	Effect	Weight
Loss of agricultural land	Harm	Limited
Heritage and Archaeology	Harm	Limited
Landscaping and visual impacts	Harm	Moderate
Delivery of housing including 40% affordable housing	Benefit	Substantial
Biodiversity (BNG)	Benefit	Moderate
Sustainability credentials	Benefit	Moderate
Tree Impacts	Neutral*	None*
Environmental Impacts – Noise, Air Quality, Land Contamination	Neutral*	None*
Highway and Transport	Neutral*	None*
Flood Risk/Drainage	Neutral*	None*
Masterplan compliance	Neutral*	None*
Open space provision	Neutral*	None*
Sports facility provision	Neutral*	None*

* subject to conditions

5.17.3 The proposal would deliver up to 300 dwellings which would make a significant contribution to the housing land supply, delivering both market and affordable housing (40%) where there is a shortfall across the district. The proposal would boost the supply of housing in a sustainable location with access to services and facilities in Little Wymondley and the surrounding areas. It is considered that this is a **benefit** to which **substantial** weight should be attributed.

- 5.17.4 The proposal will provide a 2.71% biodiversity net gain (BNG) improvement across the site. This is considered a **benefit** to which **moderate** weight should be attributed.
- 5.17.5 In terms of matters relating to masterplan compliance, highways and transport, flooding and drainage, tree impacts, open space provision, sports facility provision, and environmental impacts, it is considered that each of these elements of the development proposal would have a **neutral** effect in terms of the planning balance. Suitable conditions have also been recommended in respect of each subject area.
- 5.17.6 In terms of matters relating to heritage and archaeology, and the loss of Best and Most Versatile (BMV) agricultural land, these are both considered **harms** which attract **limited** weight in the planning balance.
- 5.17.7 It is considered that the proposal would have some adverse landscape and visual impacts. However, mitigation planting measures can be secured by conditions, and such measures would be beneficial to the landscape and biodiversity. Overall, it is considered that the identified visual and landscape **harm** should be attributed **moderate** weight in the planning balance.
- 5.17.8 There would be impact upon the character and appearance of the area through the residential development of a green field site. However, based upon the submitted masterplan and supporting information accompanying the application, and subject to suggested conditions, it is considered that there would not be significant harm to the character and appearance of the area. Furthermore, there should not be a significant adverse impact upon the living conditions of occupiers of nearby residential properties. Effects in terms of outlook, privacy and overshadowing would be considered at the reserved matters stage.
- 5.17.9 The application site is an allocated housing site in the adopted local plan and will therefore make an important contribution to the housing land supply. As the Council is currently unable to demonstrate a 5-year housing land supply, the tilted balance of paragraph 11(d) of the NPPF is engaged. The collective benefits of the development as described would be significant. Any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The scheme therefore benefits from the presumption in favour of sustainable development which is a further material consideration. The proposal would accord with the development plan taken as a whole and there are no material considerations that indicate that the application should be determined otherwise than in accordance with the development plan. Accordingly, it is recommended that planning permission be granted.

6.0 Alternative Options

- 6.1 None applicable (see 'Key Issues' section of this report above).

7.0 Pre-Commencement Conditions

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

8.0 Legal Implications

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

9.0 Recommendation

- 9.1 That planning permission is resolved to be GRANTED subject to:

A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required; and

B) Providing delegated powers to the Development and Conservation Manager to (i) resolve outstanding matters including financial contributions and (ii) update conditions and informatives with minor amendments as required; and

C) Conditions as set out below.

Time Limit

1. Before the development hereby permitted is commenced, approval of the details of the siting, design and external appearance of the development, the means of access (other than the access details shown on Drawing No. 6704-CV-011 Rev P07; Drawing No. 6704-CV-013 Rev P05; and Drawing No. 6704-CV-015 Rev P02) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

Masterplanning

4. The development hereby permitted shall be carried out in accordance with the masterplan framework and parameter plans listed below:
 - Land Use Framework Plan – Drawing No. SK11_D
 - Access, Active Travel & Vehicular Hierarchy Framework Plan – Drawing No. SK12_C
 - Character Areas Parameter Plan – Drawing No. SK14_B
 - Built Form Framework Plan – Drawing No. SK15_B
 - Development Areas Parameter Plan – Drawing No. SK16_B
 - Building Heights Framework Plan – Drawing No. SK18_A
 - Green Infrastructure & Play Framework Plan – SK19_B

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of planning permission and in accordance with Policy SP9 of the North Herts Local Plan 2011-2031.

Masterplan Compliance

5. Prior to or concurrent with the submission of the first Reserved Matters application, and any subsequent Reserved Matters applications, a Masterplan Compliance Statement shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan Compliance Statement shall explain how the proposal accords with the 'Design & Access Statement & SP9 Document: Masterplan Framework and Design Parameters' document approved under application reference No. 22/00956/OP and dated October 2025, and the masterplan framework and parameter plans listed in Condition 04.

Where the proposal does not accord with a specific principle or parameter within the approved Masterplan, the Masterplan Compliance Statement must provide clear and robust justification for each departure.

Reason: To ensure that the development as envisaged by the outline application is satisfactorily implemented in accordance with Policy SP9 of the North Hertfordshire Local Plan.

Design Code

6. Prior to or concurrently with the submission of the first reserved matters application(s), a Site Wide Design Code shall be submitted to the Local Planning Authority for approval. No development shall commence except enabling and associated works until the Site Wide Design Code has been approved in writing by the Local Planning Authority in consultation with Hertfordshire County Council (as Highways Authority and LLFA).

The Site Wide Design Code shall be prepared in accordance with the approved parameter and framework plans established in this outline permission and build upon the place-making principles stated in the Strategic Masterplan Report and Design and Access Statement.

The Site Wide Design Code shall be structured as follows:

A: Introduction

- Role of the Document
- Vision and Design Objectives of the Site (Core Design Principles – bulleted and concise).

B: Open Spaces

- Each open space must contain coded rules for construction/delivery
- Regulating Plan (developing on routes and streets identified in Design and Access Statement and Strategic Masterplan Report).
- Identification of character with contextual approach (which should include adjacent identified character areas)
- Functions and quantum
- Landscape design
- Planting
- Wayfinding
- Materials
- Surfacing
- Boundary treatments
- Lighting
- Play Design
- Highlight focal open space area 'Green-Spine' situated in the centre of the site (running north to south).

C: Character Areas

- Identification of character with contextual approach (which should include adjacent identified character areas)
- Block layout
- Typical plot layouts
- Built form - dealing with building line, heights, key buildings/groupings
- Architecture – dealing with detailing, windows, adornments, boundary treatments
- Ancillary and Infrastructure - dealing with sub stations, pumping stations, street cabinets, EV chargers, ASHP positions, solar panels etc.

The Design Code shall be structured as a 'comply or justify' document and must be accompanied by a statement which demonstrates compliance together with the appropriate compliance checklists. All subsequent Reserved Matters applications shall accord with the details of the approved Site Wide Design Code unless agreed in writing by the Local Planning Authority.

Reason: To ensure high quality design and co-ordinated phased development in accordance with Policy SP9 Design and Sustainability and D1 Sustainable Design in the North Hertfordshire Local Plan and Section 12 of the NPPF, National Design Guide and National Model Design Code.

Waste and Recycling Storage

7. No dwelling shall be occupied until a scheme setting out details of all on-site household storage facilities for waste including waste for recycling and/or composting (including details of any enclosures or screening) to serve each dwelling in accordance with the Council's Waste and Recycling Strategy at the time of submission, has been submitted to and approved in writing by the Local Planning Authority.

Such details shall identify the specific position of where wheeled bins will be stationed, and the specific arrangements to enable collection from the kerbside of the adopted

highway/refuse collection vehicles access point in accordance with the walk distances set out in the Council's approved waste collection strategy.

The scheme shall also include arrangements for management of any other waste generated by the development. All such facilities shall be provided in accordance with the approved details prior to the first occupation of the corresponding dwellings and shall be maintained and retained thereafter.

Reason: To facilitate refuse and recycling collection. To protect the amenities of nearby residents and occupiers in the interests of visual amenity and to comply with Policies D1 and D3 of the North Hertfordshire Local Plan 2011-2031.

Site Waste Management

8. No development shall take place until a Site Waste Management plan has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced onsite and should contain information including estimated and actual types and amounts of waste arising from construction and waste management actions for each waste type. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that waste is minimised during the construction of the development and to promote the sustainable management of waste arising and contribution towards resource efficiency, in accordance with Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document 2012.

Landscaping and Biodiversity

Landscape and Ecological Management Plan (LEMP)

9. Prior to the submission of any Reserved Matters application, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the approved Biodiversity Net Gain Metric.

The LEMP shall include the following:

- a) A non-technical summary;
- b) The roles and responsibilities of the people or organisation(s) delivering the LEMP;
- c) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and;
- e) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Thereafter, the approved plan should be implemented in accordance with the approved details for the duration of 30 years.

Reason: In the interest of biodiversity and ensuring compliance with the North Herts Local Plan Policies WY1 and NE2 and the National Planning Policy Framework.

Trees

10. Prior to or concurrent with each Reserved Matters application, the following documents shall be submitted to and approved in writing by the Local Planning Authority in accordance with best practice including BS5837 (Trees in relation to construction) –

- (i) Arboricultural Method Statement
- (ii) External underground service plan illustrating the routes of all cables and pipes.

Thereafter, the development shall be carried out and completed in accordance with the approved details.

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

Tree Retention

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

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

Tree Replacement

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

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

Soft Landscaping Provision

13. Notwithstanding any details included in the submitted plans, all reserved matters applications for any development parcel or sub-phase shall include details of soft landscaping.

These details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities and tree pit construction and soil volumes.

The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - In the interests of character and visual amenity and ensuring compliance with North Herts Local Plan Policies WY1, SP9 and NE2 and the National Planning Policy Framework.

Hard Landscaping and Boundary Treatment Provision

14. Notwithstanding any details included in the submitted plans, all reserved matters applications for any development parcel or sub-phase shall include details of hard landscaping and boundary treatments.

These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; hard surfacing material specifications; minor artefacts and structures (for example furniture, refuse and/or other storage units, signs, lighting and similar features); boundary treatments and proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features).

Reason: In the interests of character and visual amenity and ensuring compliance with North Herts Local Plan Policies WY1, SP9 and NE2 and the National Planning Policy Framework.

Biodiversity Net Gain Plan

15. No development above ground level shall take place until a biodiversity net gain management plan (BNGMP) has been submitted to and approved in writing by the Local Planning Authority. The BNGMP should be informed by up-to-date ecological surveys and a new biodiversity metric (according to the accepted standard methodology at the time the BNGMP is submitted to the Local Planning Authority). The content of the BNGMP shall ensure the delivery of the agreed number of habitat and linear units as a minimum (2.71% and 48.9% increase in habitat and linear units) to achieve a net gain in biodiversity and include the following:
- a) Description and evaluation of habitat parcels to be managed, cross referenced to individual lines in the metric
 - b) Maps of all habitat parcels, cross referenced to corresponding lines in the metric.
 - c) Appropriate management options for achieving target condition for habitats as described in the approved metric.
 - d) Preparation of an annual work schedule for each habitat parcel (including a 30 year work plan capable of being rolled forward in perpetuity).
 - e) Details of the body or organisation responsible for implementation of the plan.
 - f) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.
 - g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.
 - h) Reporting plan and schedule for informing LPA of condition of habitat parcels for 30 years.

The BNGMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

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

The approved plan will be implemented in accordance with the approved details.

Reason: To deliver a measurable biodiversity net gain in accordance with NHDCLP Policy NE4.

Species Enhancement Plan

16. Prior to or concurrent with each Reserved Matters application, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Enhancement Plan shall be informed by Section 5 of the Ecological Appraisal prepared by The Environmental Dimension Partnership Ltd (dated March 2025). The Enhancement Plan shall include, but not be limited to the following details:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) Description, design or specification of the type of feature(s) or measure(s) to be undertaken including details of integrated bat roosting features and swift bricks;
 - c) Detailed designs to achieve stated objectives;
 - d) Materials and construction to ensure long lifespan of the feature/measure;
 - e) Proposed Locations shown by suitable maps and plans and where appropriate, the elevations of the features or measures to be installed or undertaken;
 - f) When the features or measures will be installed within the construction, occupation, or phase of the development;
 - g) Persons responsible for implementing the enhancement measures;
 - h) Details of initial aftercare and long-term maintenance (where relevant);

The approved biodiversity enhancement measures shall be implemented and maintained for their designed purpose in accordance with the approved details including timescales and shall be retained as such thereafter.

Reason: In the interests of biodiversity enhancement and to ensure compliance with North Herts Local Plan Policy NE4.

Construction Environmental Management Plan – Ecology

17. Full details of a Construction Environmental Management Plan (CEMP) including a section for ecology, for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase of development (including any pre-construction or enabling works). The construction of the development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The Plan shall include but not necessarily be limited to the following:
- a) A review of any ecological impacts informed by the submitted ecological report (Ecological Appraisal, March 2025 and the Ecology Update Report October 2025 by The Environmental Dimension Partnership Ltd);
 - b) Risk assessment of potentially damaging construction activities;

- c) Identification of 'biodiversity protection zones';
- d) A set of method statements outlining practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- e) The location and timings of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- f) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
- g) A non-native invasive species protocol (e.g. for Japanese knotweed);
- h) The times during construction when specialist ecologists need to be present on site to oversee works;
- i) Responsible persons and lines of communication;
- j) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

Reason: To ensure the environmental impacts of the development are controlled in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity and in accordance with Policies D3, T1 and NE12 contained in the North Hertfordshire Local Plan.

Badger Walkover Survey

18. No development shall take place including any demolition, ground works and site clearance until a Badger Walkover Survey has been carried out the details submitted to and approved in writing by the Local Planning Authority. The survey shall include but not necessarily be limited to the following:
 - a) An assessment of the impact of the proposed development and any appropriate mitigation measures to alleviate such impacts;
 - b) The location and details of any protective fencing around setts and commuting routes.

The works shall be carried out strictly in accordance with the approved details.

Reason: In the interests of the protection of badgers and to ensure compliance with North Herts Local Plan Policy NE4.

Open Space Management and Maintenance

19. Any reserved matters applications shall include a detailed Open Space Management and Maintenance Scheme for the management and maintenance of all areas of open space (to include parks, greenways, allotments, play areas, informal open space, semi-natural green space, public squares) shall be submitted to and agreed in writing by the Local Planning Authority. Details to be submitted shall include:
 - i) Management organisation;
 - j) Details of landscape management and maintenance plans;
 - k) Details of planting, grass cutting, weeding and pruning;
 - l) Management of sustainable urban drainage features;
 - m) Inspection, repair and maintenance of all hard landscaping and structures;
 - n) Management, monitoring and operational restrictions; and
 - o) Maintenance and planting replacement programme for the establishment period of landscaping.

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

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

Energy and Sustainability

20. Prior to or concurrent with each Reserved Matters application, a site-wide Energy and Sustainability Strategy shall be submitted to the Local Planning Authority for approval. The strategy shall be informed by the Energy Statement dated 24 February 2025 and the Sustainability Statement dated October 2025 (both produced by WSP) and explain how the development will address and deliver a specific target level under each sustainability theme as outlined in Table 5.1 of the Sustainability Statement. Thereafter, the relevant phase of development shall be carried out in accordance with the relevant approved Energy and Sustainability Strategy.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with North Hertfordshire Local Plan Policies SP9 and D1, and the adopted Sustainability SPD (2024).

Drainage Conditions

21. Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted FRA and or Drainage Strategy (Flood Risk Assessment and Drainage Strategy | prepared by WSP | 18 September 2025 | REF 6704-WSP-ZZRP-D-001 (P04)), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- (i) The post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP). The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.
- (ii) Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
 - 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
 - 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
- (iii) The design of the basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.

- (iv) Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
- (v) Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- (vi) A maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development.

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

22. Prior to or in conjunction with the submission of each Reserved Matters application, a detailed Site SuDS Phase plan which aligns with the site phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This SuDS Phasing plan shall ensure that each phase complies with the National Standards for SuDS and does not exceed the agreed discharge rates for that phase and that source control measures are installed within each phase to adequately address the phases own surface water runoff. The plan shall ensure that each SuDS component is adequately protected throughout the development of the scheme. The plan shall show all exceedance routes throughout the site clearance and construction of the scheme ensuring flood risk is not increased elsewhere or to the site itself and that the site remains safe for all exceedance event flow routes for the lifetime of the development during rainfall (i.e. greater than design events or during blockage) and how property on and off site will be protected.

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

23. No development shall take place until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

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

24. Prior to first occupation of each phase of the development, a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of “as built” drawings plus photographs of

excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

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

25. Prior to the commencement of the development, no works involving excavations (except for access and intrusive site investigations) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority:

- An Intrusive Ground Investigation plan prior to the intrusive ground investigation, agreed with Affinity Water to ensure all concerns will be covered.
- An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- A Remediation Strategy and Verification Report if found to be needed following the results of the intrusive investigation detailing how contamination (if found) will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.
- A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity generation from groundworks.
- A Foundations Works Method Statement and Risk Assessment detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.
- A Monitoring Plan for parameters (including turbidity) within a borehole at a location between the site and the abstraction point.
- Acknowledgement of the need to notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

Reason: Excavation works such as piling have the potential to cause water quality failures due to elevated concentrations of contaminants through displacement to a greater depths and turbidity generation. Increased concentrations of contaminants, particularly turbidity, impacts the ability to treat water for public water supply.

26. If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A Remediation Strategy/Report detailing how contamination will be dealt with. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

Environmental Issues

Land Contamination

27. (A) No development approved by this permission shall take place until a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors has been submitted to and approved by the Local Planning Authority. It should identify the current and past land uses of this site and adjacent sites, with a view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
- (B) If the Local Planning Authority is of the view that the report which approves condition (A) above, indicates a reasonable likelihood of harmful contamination, then no development approved by this permission shall take place until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
 - (ii) The results from the application of an appropriate risk assessment methodology.
- (C) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (B), above; has been submitted to and approved by the Local Planning Authority.
- (D) This site shall not be occupied, or brought into use, until:
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (C) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (E) Any contamination, other than that reported by virtue of conditions (A) and (B), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters in accordance with North Hertfordshire Local Plan Policy NE11.

Noise Mitigation Scheme

28. No development shall take place until a scheme detailing noise mitigation measures for protecting the proposed dwellings from noise has been submitted to and approved in

writing by the Local Planning Authority. The scheme shall be based on the recommendations identified in the WSP Ltd report (Ref: 70056704) dated March 2025. The scheme shall be implemented in accordance with the approved details and maintained thereafter. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: To protect the residential amenity of future occupants in accordance with the aims of Policy D3 of the North Hertfordshire Local Plan 2011-2031.

Fire Safety

29. Before the first occupation of any dwellinghouses hereby permitted, details of a fire hydrant(s) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The hydrant(s) shall be provided in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure adequate fire protection for the development by way of appropriately located hydrant facilities.

Highways

New Access(es)/Approved Drawings

30. Prior to the commencement of the development hereby permitted, the vehicular and/or pedestrian and cyclist accesses shall be provided and thereafter retained at the position shown on the approved plan drawing number(s):
- 6704-CV-011, Rev P07, Site Access, General Arrangement; and
 - 6704-CV-015, Rev P02, Emergency Access, Blakemore End Road, General Arrangement.

Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

Visibility Splays

31. Prior to the first occupation of the development hereby permitted, visibility splays shall be provided in full accordance with the details indicated on the approved plan number 6704-CV-011, Rev P07 and 6704-CV-015, Rev P02. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

Highway Improvements – Offsite (Design Approval)

32. Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawings numbered below have been submitted to and approved in writing by the Local Planning Authority.

- 6704-CV-011, Rev P07, Site Access, General Arrangement;
- 6704-CV-013, Rev P05, Central Connection, General Arrangement;
- 6704-CV-016, Rev P05, Eastern Connections, Public House & Tower Close, General Arrangement;
- 6704-CV-001, Rev P05, A1(M) Junction 8, Outline Cycle Connectivity Improvements;
- 6704-CV-002, Rev P07, Stevenage Road, Outline Footway Widening; and
- 6704-CV-012, Rev P05, Sicut Road, General Arrangement.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Highway Improvements – Offsite (Implementation / Construction)

33. Prior to the first occupation of the development hereby permitted, the off-site highway improvement works referred to in condition 32 are completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Rights of Way

34. (A) Notwithstanding the details indicated on the submitted drawings, no works shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

(B) Prior to the first occupation of the development hereby permitted, the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part (A) of this condition are completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor and to ensure that the highway network is adequate to cater for the development proposed in accordance with Policy 5 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Construction Traffic Management Plan

35. No development shall commence until a Construction Traffic Management Plan (in accordance with the best practice guidelines as described in the Construction Logistics and Community Safety (CLOCS) Standard), has been submitted to and approved in

writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of the following:

- a) The construction programme;
- b) Clear access strategy for construction vehicles that avoids conflicts with pedestrians, cyclists, public transport and existing and future residents;
- c) Hours of operation;
- d) Phasing of the development of the site, including all highway works;
- e) Construction vehicle numbers, type, routing;
- f) Traffic management requirements;
- g) Cleaning of site entrances, site tracks and the adjacent public highway;
- h) Provision of sufficient on-site parking prior to commencement of construction activities;
- i) Details of any highway works necessary to enable construction to take place, including temporary access works;
- j) Details of any works to or affecting Public Rights of Way within and in the vicinity of the site. These shall demonstrate how safe and unobstructed access will be maintained at all times or be temporarily closed or extinguished.
- k) Details of servicing and delivery, including details of site access, compound, welfare facilities, hoarding, construction related parking, loading, unloading, turning areas and materials storage areas;
- l) Where works cannot be wholly contained within the site, a plan should be submitted showing the site layout on the highway, including extent of hoarding, pedestrian routes and remaining road width for vehicle movements and proposed traffic management;
- m) Management of construction traffic and deliveries to reduce congestion and avoid school pick up/drop off times, including numbers, type and routing;
- n) Control of dust and dirt on the public highway, including details of wheel washing facilities and cleaning of site entrance adjacent to the public highway;
- o) Details of public contact arrangements and complaint management;
- p) Construction waste management proposals;
- q) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- r) Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
- s) Measures to be implemented to ensure wayfinding for both occupiers of the site and or those travelling through it.

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

Monitoring

36. Prior to commencement of any development the submission and agreement of a mechanism of continual review of the transport impacts of the development to include (but not be restricted to) the installation of traffic counters upon each access, travel plan monitoring and regular dialogue between Developer, Local Planning Authority and Highway Authority. The findings of this work shall be shared between all interested parties with a view to remedying any problems arising directly from the construction or occupation of the development.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

Travel Plan

37. At least 3 months prior to the first occupation of the development hereby approved, a detailed updated Travel Plan for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

Public Transport Infrastructure

38. Prior to the first occupation of each phase of the development, details of the public transport infrastructure shall be submitted to and approved in writing by the Local Planning Authority. This infrastructure shall comprise of but is not limited to the following:
- Details of bus stop facilities to include raised height kerbs and shelters and real-time information signs, where agreed; and
 - A programme for the delivery of the public transport infrastructure.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

Details of Reserved Matters

39. For the area of development for which Outline permission is granted (as outlined in Drawing Number SK17 Rev N), no development, apart from enabling works and earthworks, shall commence until detailed plans have been submitted to and approved in writing by the Local Planning Authority. These plans will show the access, layout, scale, design, internal layout, and external appearance of the buildings to be constructed and landscaping to be implemented (hereinafter referred to as "the Reserved Matters") on the site or individual parcel. The development shall only be carried out as approved.

Reason: To comply with the requirements of section 92(4) of the Town and Country planning Act 1990 and the provisions of the Town and Country Planning (Development Management Procedure) Order 2015 and to ensure that high standards of urban design and a comprehensively planned development are achieved. To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Detailed Highways Plans and External Lighting

40. As part of any reserved matters applications, full details in relation to the design of estate roads (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to detail the following:
- a) Roads;
 - b) Footways
 - c) Cycleways (compliant with LTN 1/20);
 - d) External public lighting;
 - e) Minor artefacts, structures and functional services;

- f) Foul and surface water drainage;
- g) Visibility splays;
- h) Access arrangements including temporary construction access;
- i) Hard surfacing materials;
- j) Parking areas for vehicles and cycles;
- k) Loading areas; and
- l) Turning and circulation areas.

The development shall be implemented in accordance with those approved plans.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and in interests of biodiversity and local amenity and to ensure compliance with North Herts Local Plan Policies NE4 and D3.

Maintenance of Streets

41. Prior to the occupation of any dwellings within any Parcel of the development, full details shall be submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within that Parcel. Following the provision of such streets, the streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established in accordance with the approved details.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018.

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:

Highways

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway

Authority before construction works commence. Further information is available via the website:

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

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/businessand-developer-information/development-management/highways-development-management.aspx>

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:

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

AN4) S106 Agreement. A Section 106 agreement will be required for the following:

- I. Approved Travel Plan(s), with individual monitoring fees (and contributions for remedial actions should targets be missed), in accordance with the current HCC Travel plan guidance document for business, residential and education development (March 2020). Individual Travel Plans will be required for each land-use which is of sufficient size to require the preparation of such a plan; and
- II. Bus Contribution and Bus Vouchers.

AN5) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Sections 38 and 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website:

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

Affinity Water

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

Anglian Water

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

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

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

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

Herts Ecology

Bat Licence Informative – A bat licence, either a EPSL from Natural England or BMCL, is required to deliver this development. It will be a criminal offence if works proceed without a bat licence. It will also be a criminal offence if the terms of conditions of the bat licence, including the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start).

Precautionary Bat Tree Climbing Assessment Informative – The development shall be implemented in strict accordance with the recommendations in Section 4.4 of the Ecology Update Report prepared by The Environmental Dimension Partnership Ltd (dated October 2025). All recommendations shall be implemented in strict accordance with the timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority and thereafter permanently maintained for the stated purposes of biodiversity conservation.

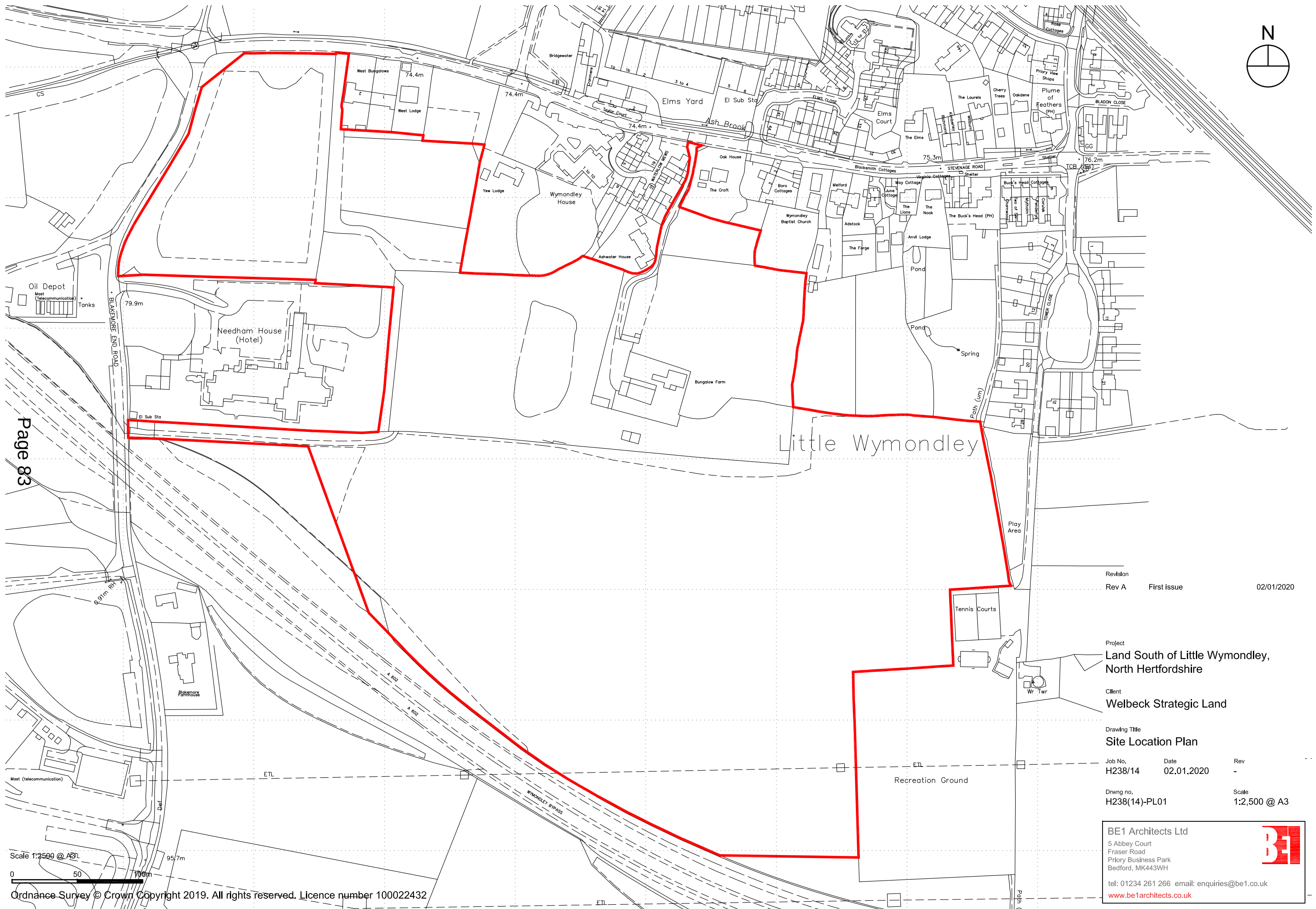
National Grid

National Grid Electricity Transmission assets have no objection to the application provided the development does not encroach our buried cable easement strip.

For further information on the location of our buried cables and other assets, please raise an enquiry with Linsearch Before U Dig (<https://lsbud.co.uk/>).

Please note this response is only in reference to National Grid Electricity Transmission assets only. National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

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Revision		
Rev A	First issue	02/01/2020

Project
Land South of Little Wymondley,
North Hertfordshire

Client
Welbeck Strategic Land

Drawing Title
Site Location Plan

Job No.	Date	Rev
H238/14	02.01.2020	-
Drwg no. H238(14)-PL01		Scale 1:2,500 @ A3

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<u>Location:</u>	Land At Mill Lane London Road St Ippolyts Hitchin SG4 7NN
<u>Applicant:</u>	Alice Lack
<u>Proposal:</u>	Erection of up to 41 dwellings with associated infrastructure and open space (all matters reserved except means of access) (additional and amended plans received 23/04/26 and 10/06/26).
<u>Ref. No:</u>	25/02885/OP
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period: 23rd February 2026

Extension of statutory period: 14th August 2026.

Reason for Delay: Negotiations and awaiting consultation responses.

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

1.0 **Planning Policy**

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

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP5: Countryside and Green Belt

Policy SP6: Sustainable Transport

Policy SP7: Infrastructure requirements and developer contributions

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP10: Healthy Communities

Policy SP11: Natural Resources and Sustainability

Policy SP12: Green Infrastructure, Landscape and Biodiversity

Policy SP13: Historic Environment

Policy T1: Assessment of Transport Matters

Policy T2: Parking

Policy HS2: Affordable housing
 Policy HS3: Housing mix
 Policy HS5: Accessible and adaptable housing
 Policy D1: Sustainable Design
 Policy D3: Protecting Living Conditions
 Policy NE1: Landscape
 Policy NE2: Green Infrastructure
 Policy NE4: Biodiversity and geological sites
 Policy NE6: New and improved open space
 Policy NE7: Reducing Flood Risk
 Policy NE8: Sustainable Drainage Systems
 Policy NE10: Water Framework Directive and wastewater infrastructure
 Policy HE1: Designated Heritage Assets
 Policy HE4: Archaeology

1.2 National Planning Policy Framework (NPPF) (December 2024)

Section 2: Achieving sustainable development
 Section 4: Decision making
 Section 5: Delivering a sufficient supply of homes
 Section 8: Promoting healthy and safe communities
 Section 9: Promoting sustainable transport
 Section 11: Making effective use of land
 Section 12: Achieving well-designed places
 Section 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

1.3 Supplementary Planning Guidance

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

Sustainability SPD (2024)

1.4 Neighbourhood Plan

There is no Made Neighbourhood Plan for the Parish of St Ippolyts.

2.0 Relevant site history

- 2.1 A pre-app submission (25/01424/PRE) was made seeking a view on whether the land would be considered Grey Belt for residential development. This concluded that depending on whether a heritage objection could be overcome, the land may be able to be considered as Grey Belt.
- 2.2 TPO/00226(2026) – a TPO has been served on the land. This was confirmed by Planning Control Committee at its meeting on 18/06/26.

3.0 **Representations**

- 3.1 **Anglian Water** – no objection subject to informatives. Anglian Water states that based on the assessment of the proposal, Ashbrook WRC is within the acceptance parameters and can accommodate the flows from the proposed development. They stated that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary but they recommend that the applicant carries out a thorough investigation of the site area to establish whether any unmapped public or private sewers and lateral drains are in existence.
- 3.2 **Thames Water** – no comment as the site is outside of our area.
- 3.3 **NHS Hertfordshire and West Essex** – no objection subject to a S106 Agreement contribution towards supporting and expanding GP provision.
- 3.4 **Hertfordshire Constabulary Crime Prevention** – no objection subject to an informative.
- 3.5 **HCC Lead Local Flood Authority** – ‘this is an outline application for 41 houses with all matters reserved except for access. We understand that the proposed method of surface water discharge is through infiltration via 2 infiltration basins. We welcome that this application has the potential to reduce the flood risk because of the proposed drainage strategy in the Flood Risk Assessment. We have no objection subject to conditions’
- 3.6 **HCC Highways** – no objection subject to conditions and a S106 contribution towards sustainable transport. This is detailed below in the report.
- 3.7 **HCC Archaeology** – no objection subject to conditions.
- 3.8 **HCC Ecology officer** – no objection subject to conditions.
- 3.9 **HCC Minerals and Waste Team** – no objection subject to conditions.
- 3.10 **HCC Fire and Rescue** – the provision of fire hydrants will be required.
- 3.11 **HCC Growth & Infrastructure** – no objection subject to S106 contributions and that advises that HCC will be seeking financial contributions to relevant HCC services (see paragraph on S106 obligations below).
- 3.12 **NHDC Tree and Landscape Officer** – objects to the application:
1. The TPO covers a group of trees to the North of the site identified as G4 in the TPO Schedule. The trees in G4 were identified for TPO protection because of the amenity they contribute to this end of the site collectively as a group. These trees provide a buffer from the proposed new development, highly valued by residents of existing properties along Mill Lane and provide an important landscape feature.
 2. The location for proposed access to the site from London Road and Mill Lane is within the area occupied by G4 and would see the loss of a large proportion of this group to facilitate the development.
 3. If no other access routes that avoids the trees entirely are viable, it may be acceptable to allow the removal of a few individuals within this group, (mitigated by replacement planting), to accommodate alternative access design that retains the majority of trees.

4. It is considered important to retain the overall appearance of the group in this area and in particular the majority of the larger principal trees. The smaller poorer specimens are more easily replaced by new planting.
 5. The proposed development includes the retention of almost all trees in other parts of the site, which is commendable, but also sees removal of many mature trees in the area covered by G4 of the TPO. This is considered excessive and detrimental to the character and appearance of the surrounding landscape.
 6. I recommend that alternative solutions to access are explored, ideally avoiding these trees completely, in order to retain the tree cover provided by G4, that is considered highly important in terms of amenity and environmental benefits to the local area.
- 3.13 **NHDC Conservation Officer** – there is no objection. The scheme will satisfy the provisions of Sections 16(2) (LBC) and /or 66(1) (FP/FPH) and/or 72(1) (both) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.
- 3.14 **NHDC Environmental Health** – no objection subject to conditions.
- 3.15 **NHDC Housing Officer** – provides comments. In summary these are:
1. in the Green Belt, based on the provision of 41 new homes and a 50% affordable housing requirement the affordable housing requirement would be 21 dwellings (41 x 50% =20.5 rounded up): 14 social rented and 7 other intermediate affordable/ affordable home ownership housing tenure.
 2. The 2023 North Herts & Stevenage Strategic Housing Market Assessment (SHMA) update for the 65% rented tenure shows the following mix best meets housing need:
 - 14 x 7% x 1 bed flats (1)
 - 14 x 9% x 2 bed flats (1)
 - 14 x 22% x 2 bed houses (4)
 - 14 x 50% x 3 bed houses (7) *
 - 14 x 10% x 4 bed houses (1)
 - 14 x 2% 5+ bed houses. (0)
 (*Evidence from the Council's housing register suggests the number of three bed houses suggested in the SHMA is greater than required and there is greater need for two bedroom family homes and a need for larger family homes (4+ bedrooms)).
 3. For the 35% affordable home ownership tenure the 2023 SHMA shows the following mix best meets housing needs:
 - 7 x 22% x 1 bed flats (2)
 - 7 x 15% x 2 bed flats (1)
 - 7 x 43% x 2 bed houses (3)
 - 7 x 20% x 3 bed houses (1).
- 3.16 In addition, there is a growing need for larger (3 and 4 bed) M4(3) wheelchair accessible homes which we will seek to deliver through the requirements of Policy HS5: Accessible and adaptable housing.

3.17 **CPRE Hertfordshire** – objects on the basis that the site is within the Green Belt, is not an allocated housing site in the Local Plan and does not comply with the requirements to be considered Grey Belt land as this would result in urban sprawl to the south of Hitchin.

3.18 **St Ippolyts Parish Council** – object for the following reasons:

1. The site is within the green belt and plays a vital role in preventing urban sprawl preserving the open countryside, the proposal conflicts with policies protecting Green Belt land under the National Planning Policy Framework (NPPF), the site was not identified as a sustainable location in the Local Plan and should not be classified as grey belt.
2. The scheme fails to meet mandatory Biodiversity Net Gain (BNG) requirements on-site and shows a significant loss of habitat and loss and deterioration of woodland.
3. Infrastructure concerns fail to be addressed by this scheme, there would be increased traffic on Mill Lane, a very narrow single rural country lane and oversubscription at St Ippolyts School would result in an increase in traffic as there is no alternative primary school within walking distance.

3.19 On the amended plans St Ippolyts Parish Council still object to the development for the above reasons but do state they are pleased to see the removal of buildings from the eastern parcel and the improved roundabout layout.

3.20 **Hitchin Forum** – both object to and support aspects of the application:

1. The land concerned is Green Belt and one of the requirements of the Green Belt is to maintain the separation between towns and villages. In this case the land concerned separates Hitchin and Gosmore.
2. Concern about increase in traffic local from this and other nearby development – Pound Farm and Waterdell Lane.
3. We object to the loss of trees.
4. Should the proposals be approved in the future, we welcome the intention to leave significant areas as public open space free for public access.
5. We support 50% affordable housing.

3.21 The application has been advertised with site and press notices and neighbour notification letters. At the time of writing there have been two replies received in support and 40 objections. Key points raised:

Support:

1. Swift bricks or nesting boxes must be included if these houses are built.

Object:

1. With 6 other development sites in the village and the solar farm there is no village left.
2. There are already two building sites on London Road providing 136 new homes.
3. The area is already over developed.
4. The village does not need any more 5 bedroom houses.
5. There is no market for any more houses in the village.
6. There is a lack of infrastructure in the village. Including WiFi.
7. The local school is full and there is no space to extend it.

8. The doctor and dentist are full and there are no plans to extend these even with all the new homes already being built.
9. There has been no increase in local provision / facilities since the mid-1990s and this will make things worse.
10. The construction will harm the amenity of the nursing home.
11. Traffic will be even worse and very bad during the rush hour often at a standstill and this will make it worse.
12. There will be increased danger to pedestrians including school children.
13. The local bus service is minimal.
14. People will mainly use their cars and building here is not sustainable.
15. Mill Lane will be sued as a dangerous rat run.
16. Object to the loss of trees and the harm on the wildlife.
17. The UK is experiencing a significant and ongoing loss of biodiversity.
18. The application sets out that this is medium-high distinctive habitat for wildlife. It should not be developed.
19. There are protected species, including bats, on this land / in these trees.
20. This is a living landscape and should not be harmed.
21. The new lighting will harm the bats and they will disappear and the new hardstanding will destroy the insects they feed on.
22. The western field, is one of the most wildlife-rich parts of the site. Turning it into managed open space with footpaths and lighting will drive away the very species the documents claim to protect.
23. The construction phase and the dust from it is dangerous to public health.
24. Mill Lane is narrow and cannot be used for access to build 4 houses off it.
25. This development would also fundamentally change the character of nearby houses and neighbouring villages. The quiet, rural outlook residents currently enjoy would be replaced with a dense
26. The applicant talks about "green infrastructure" and "ecological enhancements", but this is already a rich, functioning ecosystem. Replacing natural habitat with SuDS basins, mown grass, and play trails is not enhancement-it is a downgrade.
27. This is Green Belt and this development is inappropriate development and no very special circumstances have been provided.
28. This is not an allocated housing site in the Local Plan.
29. The need for new homes does not justify the harm this development would have.
30. This site stops the urban sprawl of Hitchin.
31. This site preserves the open countryside and enhances the rural character of St Ippolyts and Gosmore.
32. This will urbanise St Ippolyts.
33. The is green field land and should not be considered as grey belt.
34. The development will alter the rural character of the area and impact the views from the Grade II listed Pound Farm.
35. The diversion of Mill Lane through the development introduce an urban street design into a rural setting and increase traffic on this rural road.
36. There will be adverse impact on the local community of St Ippolyts.
37. 2.5 storey development is harmful to the local character of the area.
38. Mill Lane is subject to flash flooding and this development could make it worse.
39. I enjoy walking my dog in Mill Lane and there are not many places to move out of the way of traffic and this development will make that worse.
40. This development will harm my mental health.
41. It will harm the setting of the listed Mill Farm. The proposal conflicts with Local Plan Policies for Green Belt protection.

42. Transport mitigation, community infrastructure responsibility, projection of open space and preservation of landscape and should be refused.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises two fields on which lie to the south side of Mill Lane and west side of London Road on the south side of Hitchin. The fields have narrow connecting section, rear of the Sloe Hill Residential nursing home which is on the south side of Mill Lane. Whilst the land is open countryside, there are a number of mature trees within the site. These are grouped in the northern corner of the site, towards the Mill Lane / London Road junction, and rear of the nursing homes and then scattered through the western side of the site.
- 4.1.2 The land is outside of the settlement boundary of Hitchin, within the Green Belt. There is the recently approved tree preservation order, TPO/00226(2026) which protects four individual and four groups of trees on the land and there are two nearby listed buildings. These are Mill Farm on Mill Lane, and Pound Farm on London Road. The land levels fall to the south, with the change in levels being more apparent on the London Road side of the site with the levels along Mill Lane being flatter.

4.2 **Proposal**

- 4.2.1 This is an outline application for the residential development of the site with up to 41 dwellings, with all matters apart from access being reserved. Therefore, this application is seeking a determination regarding the principle of residential development on this land.
- 4.2.2 Submitted with the application are a site location plan, development parameters plan, illustrative master plan, development framework plans and highways access plans. The illustrative master plan shows that the dwellings located on the east side of the site with an access off London Road and that the development will be a maximum of two storeys in height. The access is to be a fourth arm off the roundabout approved for the Pound Farm development on the east side of London Road, with a link road on the north side of the site connecting to Mill Lane. This will then from the route for traffic on Mill Lane, with the junction of Mill Lane and London Road being closed. The area of the land on the south side of the eastern part of the site and the land on the west side of the site are to remain as open land with public access through the land.
- 4.2.3 The following documents have been submitted in support:
1. Design and Access Statement parts 1, 3 and 4;
 2. Planning Statement;
 3. Transport Statement parts 1 and 2;
 4. Geo-Environmental Desk Study parts 1 – 11;
 5. Arboricultural Impact Assessment;
 6. Utility Study level 2;
 7. Flood Risk Assessment;
 8. Landscape and Visual Impact Assessment;
 9. Energy and Sustainability Statement;

10. Preliminary Ecological Assessment;
11. BNG Net Gain Assessment, BNG Design Stage and BNG Metric;
12. London Road Hitchin, Designers Response to RSA;
13. LLFA consultation response;
14. Transport Update and response note.

4.2.4 Key points raised from these documents include:

Planning Statement:

1. Written pre-application advice was received from the Council on 18 July 2025. The Council confirmed that the site lies within the Green Belt. However, the proposal puts forward the case that it qualifies as 'Grey Belt' land that does not strongly fulfil key Green Belt purposes, as defined in the National Planning Policy Framework and supported by Planning Practice Guidance criteria. The Council's response acknowledges that the site makes only a moderate contribution to the Green Belt, particularly in relation to preventing the sprawl of Hitchin. The main concern identified relates to heritage, and the Council suggests that if this issue can be resolved, there would be no reason the site could not be regarded as Grey Belt. The response also highlights the District's current shortfall in housing supply, and notes that the delivery of new homes would weigh in favour of the development when balanced against its moderate Green Belt role.
2. The proposed development seeks outline planning permission for the following:
 - Development of up to 41 residential dwellings;
 - A policy compliant 50% affordable housing;
 - Delivery of green infrastructure and public open space on the western parcel to serve the wider community.
3. The existing boundary vegetation will be retained where possible, however some trees will need to be removed. Any loss will be compensated through new native tree, hedge, and thicket planting to strengthen site boundaries and enhance new public spaces.
4. A recreational route has been designed around the site, providing residents with an informal walking path. Naturalistic trim trail equipment will be placed along the path to add opportunities for play.
5. The development will deliver biodiversity enhancements to achieve the highest possible level of biodiversity on site. This includes a +44% gain in hedgerow units. While significant biodiversity enhancements are being implemented, it is not possible to achieve a net gain of 10% solely on site for habitat units. Therefore, the required shortfall will be delivered through off-site measures.
6. Vehicular access to the development will be taken from the proposed roundabout on London Road (B656) which functions as a secondary distributor road with a 30mph speed limit. The three-arm roundabout, approved to serve the opposite development, will be upgraded to a four-arm junction to serve the site.
7. Pedestrian and cycle access will be incorporated into the new fourth arm of the roundabout, with a footway provided on its northern side. This will connect northwards to new bus stops located beyond the Mill Lane/London Road junction. Safe crossing of the northern arm of London Road will be achieved via a dropped kerb with central refuge, linking to the shared footway/cycleway on the eastern side of the road. This route provides access to local services and facilities in Hitchin to the north.
8. The proposal seeks to divert Mill Lane through the site, with Mill Lane stopped up to vehicular traffic at the existing junction with London Road. Instead, cars journeys would be directed through the site and would expect to use the roundabout to continue journeys.

9. A Landscape and Visual Impact Assessment (LVIA), prepared by CSA Environmental supports this planning application and concludes that the site is well related to the existing built edge of Hitchin and would represent a logical and contained extension to the settlement. The enclosed nature of the site, combined with new structural landscaping, will help integrate the development into the landscape. Any effects on landscape character or visual amenity would be largely limited to the site and its immediate context, with minimal impact on the wider area.
10. The site is known to support bats although no roosts had been identified at the time of the ecological assessments were undertaken. In line with best practice, inspections will be undertaken ahead of any tree removal should any unknown roosts be present.
11. A single common lizard was found on the site and care can be taken to ensure any lizard population is not disturbed by the development.
12. There is a need for some tree removal to support the proposal. The tree survey work has informed the layout and particularly the potential route of the internal road as it seeks to avoid the category A trees on the site.
13. Some category B and C trees would be removed as part of the proposal. The scheme does seek to replace some of the removed trees elsewhere on the site
14. The site lies wholly within flood zone 1. Given the size of the development, the application is accompanied by a Flood Risk Assessment. This has assessed the site in terms of all forms of potential flooding and also has informed the proposed drainage strategy for the proposed development.
15. The NPPF definition of Grey Belt confirms that matters listed within footnote 7 (which includes 'areas at risk of flooding or coastal change') would be excluded from being considered Grey Belt where application of policies would provide a strong reason for refusing and restricting development. The development would make no impact upon these areas of surface water flooding, and as such, this would not impact upon the potential for the site to be considered Grey Belt
16. The site is located adjacent to two existing listed buildings. To the eastern side of London Road is the grade II listed Pound Farmhouse. The supporting Archaeology and Heritage Desk-Based Assessment provides a more detailed description of the building but notes it is a two-storey building with an early/mid-19th century western façade to the front of an older building. There were concerns during the pre-application response regarding the setting of the building.
17. The application also considers archaeology potential at the site. The Pound Farm development to the east did not record any significant archaeological finds or features. However, there has been a previous find in the western parcel. The site is not currently suitable to allow for a geophysical survey given the level of planting. As such, the application is informed by the Desk-Based Assessment, which confirms that if required, trial trenching could be achieved through an appropriately worded condition.

4.3 Key Issues

- 4.3.1 The main issue in the determination of this application is whether the land is considered to be the Grey Belt land within the Green Belt and therefore suitable for residential development, and whether there are any other harms that would outweigh the planning benefit of delivering up to 41 new homes. As the application is outline, with all matters reserved apart from access, the only matters for consideration are the principle of development and the access.

Principle of development

- 4.3.2 The NPPF at section 13 sets out the national policy considerations for the protection of green belt land and the acceptable forms of development that can take place within green belts. Paragraph 143 states the five purposes of Green Belts are:

“Green Belt serves five purposes:

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

- 4.3.3 Paragraph 154 states that development within the Green Belt is inappropriate development unless one the following exception applies.

“a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

i. mineral extraction;

ii. engineering operations;

iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;

iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order”.

- 4.3.4 This proposal for 41 new homes does not fit within any of these exemptions. However, the December 2024 version of the NPPF introduced paragraph 155 which provides a further exemption to allow new homes, commercial and other development where all the following criteria are met. Paragraph 155 states:

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

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below”.*

- 4.3.5 Grey Belt is defined within Annexe 2 (the glossary) of the NPPF where it is stated:

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

- 4.3.6 The site is not previously developed land. Therefore, an assessment must take place as to whether the development of the land would strongly contribute to the of purposes (a), (b), or (d) in paragraph 143 of the NPPF and whether policies relating to areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. The report will therefore now consider purposes (a), (b) and (d) of paragraph 143.

Purpose (a)

- 4.3.7 This states that Green Belts are to check the unrestricted sprawl of large built-up areas. The Government directs how green belt land should be assessed and quantified in the Planning Practice Guidance, Green Belts, dated 27/02/25, and how to identify grey belt land within the Green Belt. With regards to Purpose A, this guidance states that villages are not considered to be large built up areas and for land to make a strong or medium contribution to purpose A, it should have these features:

“Strong:

Assessment areas that contribute strongly are likely to be free of existing development, and lack physical feature(s) in reasonable proximity that could restrict and contain development.

They are also likely to include all of the following features:

- be adjacent or near to a large built up area*
- if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)*

Moderate:

Assessment areas that contribute moderately are likely to be adjacent or near to a large built up area, but include one or more features that weaken the land’s contribution to this purpose a, such as (but not limited to):

- having physical feature(s) in reasonable proximity that could restrict and contain development*
- be partially enclosed by existing development, such that new development would not*

*result in an incongruous pattern of development
- contain existing development
- being subject to other urbanising influences”.*

- 4.3.8 In this instance, whilst the application site is within St Ippolyts, it is appropriate to regard this location as the urban edge of Hitchin, and to assess the site on this basis. The land is not developed. However, whilst the proposed application site comprises land to both the west and east of the Sole Nursing Home, only the east side of the land is proposed to be built on. Given that there is the existing development of the Sloe Hill Nursing Home, homes on Mill Lane and the new development under construction at Pound Farm and the Pound Farm itself, in my view, it can be concluded that there is existing development on three sides of this site. This proposal is to in effect fill this area and will not result in an incongruous pattern or finger of development extending out into the Green Belt. Furthermore, the proposed SUDs and open space on the south side of the site, which is open land in the location to protect the wider setting of the Pound Farm listed farmhouse opposite the site on London Road, results in the site having physical features that both restrict and contain the proposed development. As a result, the development on this eastern part of the site is concluded to have a moderate role in Purpose A of checking the unrestraining sprawl of the large urban area of Hitchin.

Purpose (b)

- 4.3.9 Purpose (b) sets an objective of preventing neighbouring towns merging into one another.
- 4.3.10 In this case, this site is on the south side of Hitchin. As villages are not included within this consideration as they are not towns, the next nearest town to the south of Hitchin if a straight line is taken, is Hatfield, as both Stevenage and Welwyn Garden City lie to the east of this 'straight' line. Given this distance is approximately 20 miles, the development of this field cannot be concluded to undermine the overall openness of the land between Hitchin and Hatfield.

Purpose (d)

- 4.3.11 Whilst Hitchin does have a historic town centre with a large Conservation Area and many listed buildings, this site is not within the immediate context of this historic core, and it therefore can be concluded that this site makes no contribution to the setting of the historic town.

Footnote 7

- 4.3.12 Footnote 7 of the NPPF states:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change”.

- 4.3.13 Turning to the considerations of footnote 7 and excluding green belt as directed by the definition of the Grey Belt as set out in the glossary of the NPPF, there are not any of the

listed restrictions within the application site area. It is noted that there are two nearby listed buildings. One on Mill Lane and one on London Road. However, the Conservation Officer concludes no objection to this proposal. As a result, there are no objections raised to the proposal due to footnote 7 considerations.

Conclusion on land assessment against the definition of Grey Belt

- 4.3.14 The NPPF directs that for green belt land to remain as protected green belt land, the land must strongly contribute to purposes of (a), (b) and (c) of paragraph 143. As set out above it is concluded that the land makes a moderate contribution to purpose (a) and no contribution to purposes (b) and (c). There are also no restrictions with regards to the protected land designations as set out in footnote 7. As a result, the site is considered to be grey belt land for the purposes of paragraph 155 part (a). However, before a full grey belt conclusion can be reached, criteria (b), (c) and (d) of paragraph 155 also need to be assessed. These are:

Paragraph 155 (b) - There is a demonstrable unmet need for the type of development proposed;

- 4.3.15 The type of development proposed is new residential development. The Council is currently behind in its provision of housing land, with current five year land supply estimates being 2.6 years. As a result, it is concluded that there is demonstrable unmet need for this type of development.

Paragraph 155 (c) - The development would be in a sustainable location.

- 4.3.16 The development site is on the edge of Hitchin, within the parish of St Ippolyts. The shop and school of St Ippolyts are within walking distance of the site and there are footpaths along London Road leading into Hitchin. The town centre of Hitchin is about two miles from the site, which is an acceptable distance to walk or cycle for many people. There is also a bus route along London Road. As a result, the site is considered to be in a sustainable location

Paragraph 155 (d) - Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.

- 4.3.17 Paragraphs 157 and 158 state:

"157. Before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%60. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability.

158. A development which complies with the Golden Rules should be given significant weight in favour of the grant of permission".

- 4.3.18 The application is proposing to meet a 50% affordable housing contribution. As this application is outline, the proposed unit sizes are not known at this time, and this will form part of the reserved matters for the site.
- 4.3.19 In conclusion, the application is considered to be grey belt land meeting the necessary criteria of paragraph 143 and 155 of the NPPF.

LUC Green Belt Review Assessment

- 4.3.20 As part of the evidence base for the updating of the current Local Plan 2011 – 2031 to the next plan period of 2025 – 2045, the Council has recently commissioned a joint Green Belt Assessment for East Herts, North Herts and Stevenage. This report has been prepared by LUC final report was published on the Council's website on 07/07/26. The background / parameters for this report are stated as:

1. The assessment reflects changes to Green Belt boundaries that have occurred since previous Green Belt studies. It also takes into account updates to the National Planning Policy Framework (NPPF), including the December 2024 introduction of the concept of 'grey belt' and the requirement for local authorities to review their Green Belt boundaries unless they can meet identified development needs in full.
2. The definition of grey belt is important because one of the main purposes of the Green Belt assessment is to determine the extent to which land within the Green Belt contributes to the purposes (a-e) set out at paragraph 143 of NPPG. In turn, this is then used to identify grey belt land that does not make a strong contribution to purposes (a), (b) or (d).
3. With regard to development proposals, if these are grey belt, and are not inappropriate development, substantial weight does not need to be given to any harm to the Green Belt, including to its openness.
4. Authorities must identify an appropriate scale of Green Belt assessment that delivers clear variations in contribution to the Green Belt purposes, assessing all Green Belt land within a Plan area in the first instance and responding to local circumstances.
5. Local circumstances may dictate, for example, the need for smaller assessment areas in areas where there is greater variation in contribution to the Green Belt purposes, or greater potential for sustainable development, such as around existing settlements or public transport hubs or corridors.
6. Villages should not be defined as large built-up areas, towns or historic towns. Where there are no historic towns in or adjacent to a plan area, it may not be necessary to provide detailed assessments against Purpose D.
7. The PPG states that when assessing Green Belt, local planning authorities must identify an appropriate scale of Green Belt assessment, to allow for recognition of variations in contribution to the Green Belt purposes.
8. This study encompasses all of the Green Belt within East Herts, North Herts and Stevenage.
9. LUC's approach to parcelling of this Green Belt is such that parcels are not predefined but instead use an analysis process to identify variations in contribution to the purposes, with areas being subsequently defined to reflect those variations. As such, the defined assessment areas form part of the final product of the assessment, reflecting and responsive to the range of variations in contribution to the Green Belt purposes
10. The number of parcels resulting from the analysis process is influenced by setting a minimum parcel size. The larger the minimum parcel size, the greater the likelihood that

smaller areas may exist within a parcel that performs differently in relation to one or more of the Green Belt purposes than the parcel as a whole.

11. In order to reduce the likelihood of more localised variations in Green Belt contribution and to increase the value of outputs to inform site assessments used for plan-making and decision-taking, the minimum parcel size for the assessment was set at one hectare.

- 4.3.21 As set out in the section above setting out the objectives of the study, the report divides the Green Belt land into parcels. The parcel that this site is within is parcel HS7, as can be seen from this map:



- 4.3.22 The conclusions from this report are that for HS7:

1. the land area of this parcel is 29 hectares;
2. it has a strong contribution to purpose A;
3. a weak or no contribution of purpose B;
4. a moderate contribution of purpose C;
5. a weak or no contribution of purpose D;
6. an equal contribution of purpose D;
7. is not Grey belt land.

- 4.3.23 This application site is a smaller area within the over parcel identified in the LUC report as area HS7. The application site area as a whole is 3.39 ha and as the development area is contained within the east side of the site, the development area proposed is 1.06 ha. Given the overall size of parcel HS7 is 29 ha, in my view, the development of 1.06 ha of land within HS7, does not undermine or conflict with the conclusions of the LUC report of parcel HS7 as whole. Therefore, it can be concluded that the east side of the application site can still be considered to be grey belt land within the Green Belt that does not undermine the purposes of the Green Belt or the conclusions of the LUC report.

Access

- 4.3.24 Policy T1 of the Local Plan says planning permission will be granted for developments provided that the development would not lead to highway safety problems or cause unacceptable impacts upon the highway network, alongside mechanisms to secure any necessary sustainable transport measures and / or improvements to the existing highway network.
- 4.3.25 This application is proposing the creation of a fourth arm off the roundabout approved as a three-arm roundabout for the development under construction at Pound Farm. Inside the site, this new road will split, with a branch to the south to access the site and a link to the north connecting with Mill Lane. The existing junction with Mill Lane and London Road will be closed, and all traffic using Mill Lane will connect through the site and access London Road via the roundabout. HCC Highways are in support of this proposed road layout and on this basis the proposal is considered to comply with the requirements of Local Plan Policy T1.

Landscaping

- 4.3.26 Policy NE2 sets out that development proposals should respect the sensitivities of the relevant landscape character area and have regard to the guidelines identified for built development and landscape management. Whilst Policy NE6 requires development make provision for new open space which meets the needs arising from the development and Policy D1 requires the incorporation of SuDS, and the retention of existing vegetation with proposed appropriate new planting, both of which are landscaping considerations.

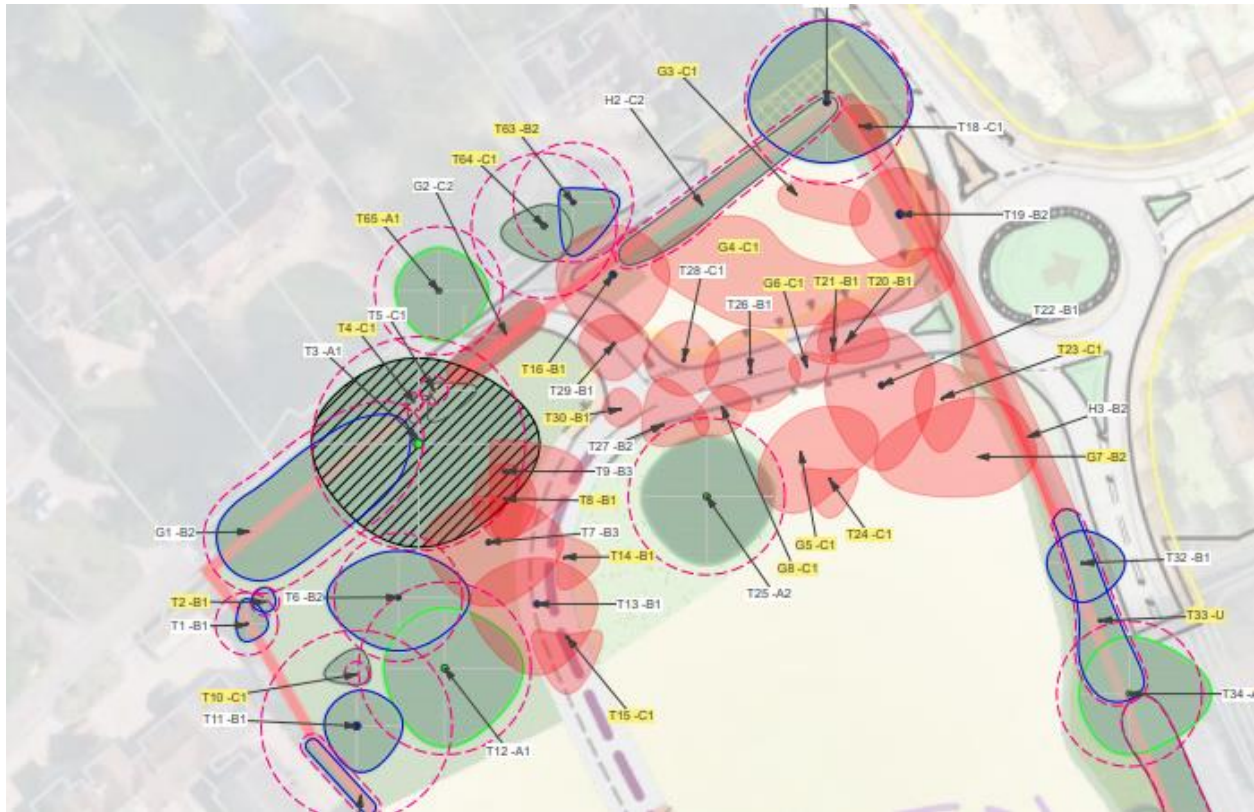
Trees

- 4.3.27 This application is proposing to keep the west side of the site free of development, and to enhance the landscape and provide public access to this area. The south side of the eastern parcel is also to remain free from development, with planning along the southern boundary enhanced.
- 4.3.28 However, a recent Tree Preservation Order (TPO/00226(2026)) has been approved (at Planning Control Committee on 18/06/26) and served. In my view it is correct that this TPO was served, even with this application under consideration, in the event that this application is refused or approved and then not built out or built out and there are future residents on the site, it gives protection to the trees in the long term. TPO/00226 protects the following trees:
- 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

4.3.29 In these locations:



4.3.30 This outline application includes access, and the proposed access is to create a fourth arm off the roundabout that has been approved for the Pound Farm development opposite on the east side of London Road. Inside the site the access splits, with one road to link down to the south to access the land within the eastern parcel, and one road to link north to Mill Lane. The existing junction with Mill Lane and London Road is to close. The northern link is proposed through the trees now protected at G4 and this application is proposing the loss of a number of these trees to allow this access. This can be seen from this map submitted in the Arboricultural Impact Assessment:



4.3.31 The red trees are trees to be removed and this plan shows that 23 trees are to be removed from the G4 area to allow this access. The Arboricultural Impact Assessment report sets out that 14 of these trees are graded as category B trees of moderate quality where retention is desirable, with the rest of the trees to be removed being category C trees of low quality. When the trees identified to be felled are compared to the trees protected by G4 of the TPO, three protected horse chestnut trees and one oak tree are proposed to be felled. The rest of the trees shown to be felled are not protected by the TPO G4 group, and the remaining identified trees with the G4 group are retained.

4.3.32 The application therefore needs to assess whether the planning benefit of the delivery of up to 41 new homes outweighs the harm of the loss of 24 trees, of which four have tree preservation order protection. As directed by the NPPF paragraph 11d) planning decisions have to give weight (the tilted balance) to the delivery of new homes, unless the harm would significantly and demonstrably outweigh the benefits. Footnote 7 of the NPPF gives protection to National Landscapes, SSSIs and wildlife sites, but it does not give protection to groups of trees or protected trees. Given that within the G4 area, many trees would still be retained, along with the trees around the field edge boundaries, large trees within the site and all the trees on the west side area are retained, and new planting and landscaping can be planted as compensation for the loss of these trees, it is my view that a refusal of this application based on the loss of these trees could not be substantiated in an appeal situation. I therefore have to conclude that the planning benefit of the delivery of up to 41 new homes does outweigh the harm of the loss of the trees. As this is an outline application, landscaping and replacement planting details are a reserved matter and not provided at this time.

Landscape impact

- 4.3.33 A further consideration of the application when landscaping is assessed, is the visual impact the development would have in the locality. The application is submitted with a Landscape and Visual Impact Assessment and Green Belt Assessment. The local context of the site is one with well screened boundaries along London Road and Mill Lane. As a result, the site is fairly well screened in many views from London Road and Mill Lane. The report states:
1. In terms of landscape susceptibility, this is judged against the type of development proposed, in this case a relatively small scale residential development focused in the eastern parts of the Site with associated open space in the south and in the western field. Development of the Site would be well related to the existing settlement edge of Hitchin including currently under construction housing to the east of London Road. The boundary vegetation and mature field trees are key landscape features that should be retained where possible and incorporated into areas of new open space.
 2. The character of the Site will change from that of grassland fields to a new housing development with associated open space, although this is an inevitable consequence when considering any housing development on the settlement edge.
 3. The new housing would not be out of character in this location, being well related to built form to the north and currently under construction housing to the north east, on the opposite side of London Road.
 4. The majority of the Site's existing boundary vegetation will be retained and new structural planting will bolster this and assist in containing the new built form. Effects will therefore be largely limited to the Site and immediate surroundings, with effects on the wider landscape being limited.
 5. Land to the north east of the site, east of London Road, has planning consent for 84 dwellings (application ref: 21/00434/HYA) including a new roundabout junction off London Road. Once built out will extend the built edge of Hitchin southwards, to roughly align with the midpoint of the site.
 6. The proposals look to retain the vast majority of boundary vegetation and extensive new planting is proposed, which together with surrounding woodland, will ensure the housing is contained in views from the wider landscape.
 7. There will a localised cumulative effect on the local landscape resulting from both schemes, although this will be localised on account of the well contained nature of both sites, with limited impact on the wider landscape. Cumulative visual effects will be limited to users of London Road and Mill Lane and a small number of neighbouring residential properties, where both development sites would be visible. These cumulative effects will all reduce over time as new planting to both sites matures.
 8. The proposal is for a medium density residential development with associated lighting. The development is not anticipated to give rise to any abnormal night time effects and will result in a small increase in background lighting levels which will be seen in the context of existing lighting within the neighbouring residential area and along London Road to the east.
- 4.3.34 In conclusion, in terms of landscape impact, the proposal will have a low adverse impact in the context of the locality, that will be largely screened by existing and proposed trees and landscaping. The application is therefore considered to be in accordance with the aspirations of Local Plan Policy NE2, and no objection is raised on this basis. This weighs as a limited harm in the planning balance.

BNG

4.3.35 Local Plan Policy NE4 requires for proposal to appropriately protect, enhance and manage biodiversity and for all developments to deliver a measurable net gain for biodiversity. Whilst the Environment Act 2021 goes further, requiring for a 10% increase in habitat value over a mandatory 30 year time period.

4.3.36 Submitted in support of the application is a BNG metric and Biodiversity Net Gain Assessment. Even though the application is outline with most matters reserved at this time, due to the access being a consideration of this application, it is appropriate to assess BNG as part of this application. The Biodiversity Net Gain Assessment summaries:

“A net loss of biodiversity is predicted for the proposed development in respect of Habitat Units (-5.63 Habitat Units, -24.55%), with a gain of Hedgerow Units (2.32 Hedgerow Units, 44.37%). This is subject to retention and enhancement of on-site grassland, woodland and hedgerow habitats, in addition to habitat creation including SuDS basins and new native tree, thicket and hedgerow planting. An overall net gain in biodiversity of at least 10% will be achieved through off-site offsetting”.

4.3.37 The Council's Senior Ecologist raises no objection to the application subject to conditions to ensure that the appropriate measures to ensure BNG mitigation is achieved, and these conditions are recommended. This weighs as neutral in the planning balance.

Design

4.3.38 Local Plan Policy SP9 states that the Council considers good design to be a key aspect of sustainable development, and this is supported by Policy D1 which sets out that planning permission will be granted provided that development proposals respond positively to a site's local context alongside other measures. As this is an outline scheme with all matters apart from quantum of development and access reserved, design will be a consideration as the reserved matters stage. A condition is recommended limiting the new homes on the site to a maximum of two storey in height to fit in with local context. This weighs as neutral in the planning balance

Flood risk and drainage

4.3.39 Local Plan Policies NE7 and NE8 seek to ensure that new development is located outside of medium and high risk floods area and that new development must incorporate sustainable drainage systems. The site is not in a medium or high risk zone for flooding and the proposed illustrative masterplan shows a SUDs basin next to the site entrance to allow for drainage from the roundabout and a SUDs basin in the southern end of the site to allow for drainage from the site. The HCC LLFA team raise no objection to the application subject to conditions, which are recommended. This weighs as neutral in the planning balance.

Planning Obligations

4.3.40 North Herts Council has adopted a Planning Obligations Supplementary Planning Document and Hertfordshire County Council has adopted a Guide to Developer Infrastructure Contributions (July 2021). Both Authorities are mindful of the tests for S106

legal agreements that are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are that any planning obligations must be:

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

4.3.41 Any requests that do not meet the above tests will not be actively sought by the Council or HCC. At the time of writing all the contributions are agreed apart from the Sustainable Transport and sports pavilion project contributions. An update will be provided at the Committee meeting. The proposed contributions are:

HCC Contributions		
Sustainable transport	Contribution to be pooled towards scheme SM210, package 15 of the South Central GTP B656 sustainable transport corridor	£404,301.00 (indexed linked by SPONS from March 2024)
Primary education	Towards expansion of St Ippolyts Primary school and/or other provision	Indicative £304,165.00 (indexed linked to BCIS 1Q2024 and BCIS Regional Factor).
Secondary education	Towards expansion of This Priory Secondary school and /or other provision	Indicative £316,173.00 (indexed linked to BCIS 1Q2024 and BCIS Regional Factor).
Childcare – 0-2	Towards increasing capacity of 0-2 year old childcare facilities at North Herts Rural west Family Centre Reporting Locality and / or other provision	Indicative £6,384.00 (indexed lined to BCIS 1Q2024).
Childcare – 5-11	Towards increasing the capacity of 5-11 year old childcare facilities at St Ippolyts Primary school and / or other provision	Indicative £416.00 (indexed lined to BCIS 1Q2024).
SEND	Towards new severe learning difficulty special school places (East) and / or other provision	Indicative £69,664.00 (indexed linked to BCIS 1Q2024 and BCIS Regional Factor).
Library service	Towards increasing capacity at Hitchin library and / or other provision	Indicative £10,682.00 (indexed lined to BCIS 1Q2024).
Youth service	Towards resource requirements to support the delivery of youth work with	Indicative £5,030.00 (indexed lined to BCIS 1Q2024).

	young people in the area and / or other provision	
Waste – recycling centre	Towards increasing capacity at Letchworth Recycling Centre or a new centre at Baldock and / or other provision	Indicative £7,647.00 (indexed lined to BCIS 1Q2024).
Waste – transfer station	Towards the new Northern Transfer Station and / or other provision	Indicative £10,694.00 (indexed lined to BCIS 1Q2024).
Fire and Rescue	Towards new appliances and / or equipment and /or other provision	Indicative £1,020.00 (indexed lined to BCIS 1Q2024).
Monitoring fees	Based on the number of triggers with each distinct trigger point attracting a charge of £420.	(to be index linked)
NHDC		
Affordable housing	50% provision due to NPPF	21 dwellings. 14 social rented and 7 other intermediate / affordable tenure
Monitoring fee	2.5% of the value of the contributions being monitoring with a minimum of £750 and a cap of £25,000. (NB this is being reviewed and may change).	(to be index linked)
Other		
NHS	Towards the provision of additional space for GP surgeries	£68,552.00 (indexed linked from the date of the planning permission).
St Ippolyts Parish Council	Towards the sports pavilion project	£119,000.00 (to be index linked)

Other matters

- 4.3.42 The matters of full BNG, layout, design, parking, bin storage, dwelling mix and size, amenity considerations, full landscaping details, energy and sustainability and archaeology are all reserved at this time and therefore are not a consideration of this application.
- 4.3.43 However, the impact of the development on the wider setting of the nearby listed buildings is a consideration of this application. The development on Mill Lane has been removed, so there will be no impact on the setting of Mill Farm. With regards to Pound Farm on London Road, given the spacing with London Road which acts as a clear front boundary to Pound Farm, along with the east side boundary of the site which has existing trees along it which will be enhance by additional planting which will provide for effective screening, it is not considered that there would be unacceptable impact or harm on the

setting of the Grade II listed Pound Farm. The Conservation Officer raises no objection to the application. This weighs as a neutral impact in the planning balance.

Conclusion

- 4.3.44 The Green Belt assessment of this report forms a conclusion that the eastern side of the site can be considered to be Grey Belt and on this basis there is no objection to the development of up to 41 new homes on the eastern parcel within the Green Belt. As set out above, there is an objection to the impact of the proposal on protected trees and the low impact on the landscape, but when the tilted balance is engaged, the harm from the loss of the trees to allow the access to link to Mill Lane, is not considered sufficiently strong to outweigh the benefit of the delivery of up to 41 new homes. The application is therefore recommended for approval on this basis.

Alternative Options

- 4.3.45 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 provisions below and the recommended conditions and informatives:
- A) Delegate to the Development and Conservation Manager the agreement of the two outstanding S106 HoT contributions and any minor change to conditions and informatives as required;
 - B) The completion of the S106 Legal Agreement;
 - C) Any necessary EoT to cover the time taken to complete (B) above.
1. Before the development hereby permitted is commenced, approval of the details of the layout, siting, design and external appearance of the development, the landscaping and drainage of the site and BNG matters (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. 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.

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

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

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

Reason: To protect any archaeological finds at the site. LP Policy HE4.

5. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as the inclusion of integrated bird/bat and bee boxes in buildings/structures, and hedgehog holes in fences has been submitted to and approved in writing by the local planning authority. Where building heights allow swift bricks should be used. The approved measures must be Implemented on site prior to occupation and retained on site thereafter.

Reason: To protect wildlife and bio-diversity. LP Policy NE4.

6. A lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall;

a) identify those areas/features on site to which bats and other nocturnal species are particularly sensitive and that are likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to reach key areas of their territory, for example, for foraging, and

b) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: To protect wildlife and bio-diversity. LP Policy NE4.

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

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

c) Practical measures to avoid or reduce impacts during construction.

d) The location and timing of sensitive works to harm to biodiversity features.

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

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

Reason: To protect wildlife and bio-diversity. LP Policy NE4.

8. Vehicular Accesses and Internal Roads to be adopted:

No development shall commence until detailed engineering drawings and specifications have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. These details shall include:

o The design and construction of the proposed fourth arm of the approved access arrangement associated with the Pound Farm development on London Road;

o secondary access minor access off Mill Lane.

o The layout and construction of internal roads intended for adoption as public highways;

o Provision of footways and cycleways;

o Measures to ensure the safe and efficient movement of refuse collection vehicles;

o Pedestrian crossing facilities, including refuge islands, designed in accordance with the approved Road Safety Audit; and

o Appropriate visibility splays onto London Road.

The submitted details shall accord with the principles shown on drawings (Ref: 70056409 SK 006 Rev P06, 70056409 SK 008 P01, 70056409 SK 009 P01, and 70056409 SK 010 P01).

All approved works shall be constructed to the specifications and satisfaction of both the Local Planning Authority and the Highway Authority. The works shall be completed in full prior to the first occupation of any dwelling hereby permitted and shall be secured through appropriate Section 278 and Section 38 Agreements with the Highway Authority.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 115 - 117 of the NPPF (December 2024).

9. Change of Functionally of Mill Lane:

Prior to the first occupation of the development hereby permitted, the use of Mill Lane shall be restricted to prevent through vehicular traffic and shall be limited to use by active travel modes only (including pedestrians and cyclists). All associated measures, as indicated on drawing (Ref: 70056409-SK-006 Rev P06 shall be implemented in full through the appropriate Traffic Regulation Order (TRO) process and thereafter retained for the lifetime of the development.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by active modes, and not a reliance on the private motorcar, in accordance with paragraphs 115 – 117 of the NPPF (December 2024)

10. Wider highway Works - Provision of Tactile /Footways, Roads signs:

Prior to the first occupation of the development hereby permitted, all tactile pedestrian crossings, footways along London Road and Mill Lane, and associated active travel signage shall be fully implemented in accordance with drawing (Ref: 70056409-SK-011 P01). These works shall be carried out to the satisfaction of the Local Planning Authority, in consultation with the Highway Authority, and secured through a Section 278 Agreement.

Reason: In the interests of right of way users, and compliance with LTP4.

11. Construction Traffic management Plan (CTMP):

No development shall commence until a detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the highways. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing.
- b. Access arrangements to the site.
- c. Measure to minimise dust, noise machinery and traffic noise impacts during construction.
- d. Screening and hoarding details to protect neighbouring residents.
- e. Traffic management requirements, including the location of routes and from the site, details of their signing monitoring and enforcement measures.
- f. Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
- g. Siting and details of wheel washing facilities.

- h. Cleaning of site entrances, site tracks and the adjacent public highway including end of day tidying procedures to ensure protection of the site out the hours of construction. The construction activities shall be designed and undertake in accordance with the code of best practice set out in BS5228 1997 and the agreed details unless otherwise agreed in writing by the LPA and Highways.
- i. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.
- j. Provision of sufficient on-site parking prior to commencement of construction activities.
- k. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- l. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes, and remaining road width for vehicle movements.

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

12. Parking/Internal roads / Truing areas:

The detailed plans should be submitted in connection with approval of reserved matters application which shall show to the satisfaction of the Local Planning Authority:

- o The details of all hardsurfaced areas within the site. This includes, but is not limited to, all roads, footways, forecourts, driveways, parking and turning areas, and foul and surface water drainage.
- o The level of footway and carriageway visibility from each individual vehicle access, and the level of visibility from and around each main junction within the site, within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.
- o That service vehicles, including refuse and emergency vehicles, can safely and conveniently access and route through the site, to include the provision of sufficient turning and operating areas.
- o The provision of sufficient facilities for cycle storage.

All these features shall be provided before first occupation and maintained in perpetuity.

Reason: To provide adequate visibility for drivers within the site, to promote alternative modes of travel, and for the overall free and safe flow of all site users

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

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

14. Prior to any construction works, a scheme for the provision of fire hydrants shall be submitted to and agreed in writing by the LPA, and the approved details shall be implemented on site prior to the first occupation of the dwellings hereby approved.

Reason: As required by HCC. LP Policy D1.

15. LLFA: Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted FRA (Flood Risk Assessment, by WSP, March 2026, reference -UK0028795.1577 and revision 1), following any further agreed details, detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration features.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).

III. Provision of source control SuDS throughout the site to provide at-source capture, attenuation and conveyance of surface water flows and in accordance with the National Standards for SuDS 2025.

IV. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- o 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.

- o 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.

V. The design of the infiltration / attenuation / detention basin will incorporate an emergency spillway, and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.

VI. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VII. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

VIII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 173,175 and 180 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development

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

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

17. LLFA (if the development is to be phased): Prior to or in conjunction with the submission of each Reserved Matters application a detailed Site SuDS Phase plan which aligns with the site phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This SuDS Phasing plan shall ensure that each phase does not exceed the agreed discharge rates for that phase and that source control measures are installed within each phase to adequately address the phases own surface water runoff. The plan shall ensure that each SuDS component is adequately protected throughout the development of the scheme. The plan shall show all exceedance routes throughout the site clearance and construction of the scheme ensuring flood risk is not increased elsewhere or to the site itself and that the site remains safe for all exceedance event flow routes for the lifetime of the development during rainfall (i.e. greater than design events or during blockage) and how property on and off site will be protected.

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

18. LLFA: Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of "as built" drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not

increased in accordance with NPPF and Policies of North Hertfordshire District Council.

19. Prior to commencement an updated Energy and Sustainability Statement shall be submitted to the Local Planning Authority for approval in line with the nine themes of the Sustainability SPD. The approved measures must be implemented on site for each dwelling hereby approved prior to its first occupation and thereafter retained.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with the Sustainability SPD 2024 and North Hertfordshire Local Plan Policies SP9 and D1.

20. No development shall be more than two storey in height.

Reason: To ensure that the new development is in keeping with local context. LP Policy D1.

Proactive Statement

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

1. Biodiversity Net Gain

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

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
- (c) the planned habitat creation and enhancement works in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

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

2. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

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

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

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

Anglian Water informatives:

1. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991.

Contact Development Services Team 0345 606 6087 Option 2.

2. Protection of existing assets - When an Anglian Water asset is shown on record plans within the land identified for proposed development, it is recommended that the applicant contacts the Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers or assets will not be permitted (without agreement) from Anglian Water.

3. Building near to a public sewer - No building will be permitted within the statutory minimum easement width of 3 metres from a pipeline without agreement from Anglian Water. Easements are subject to specific easement requirements dependent on the size and depth of the sewer or asset, or any advice or comment provided by Anglian Water. Please contact our Development Services Team on 0345 606 6087 - Option 2 for any queries.

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

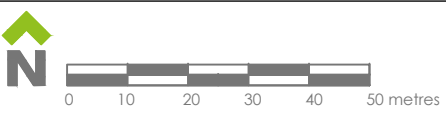
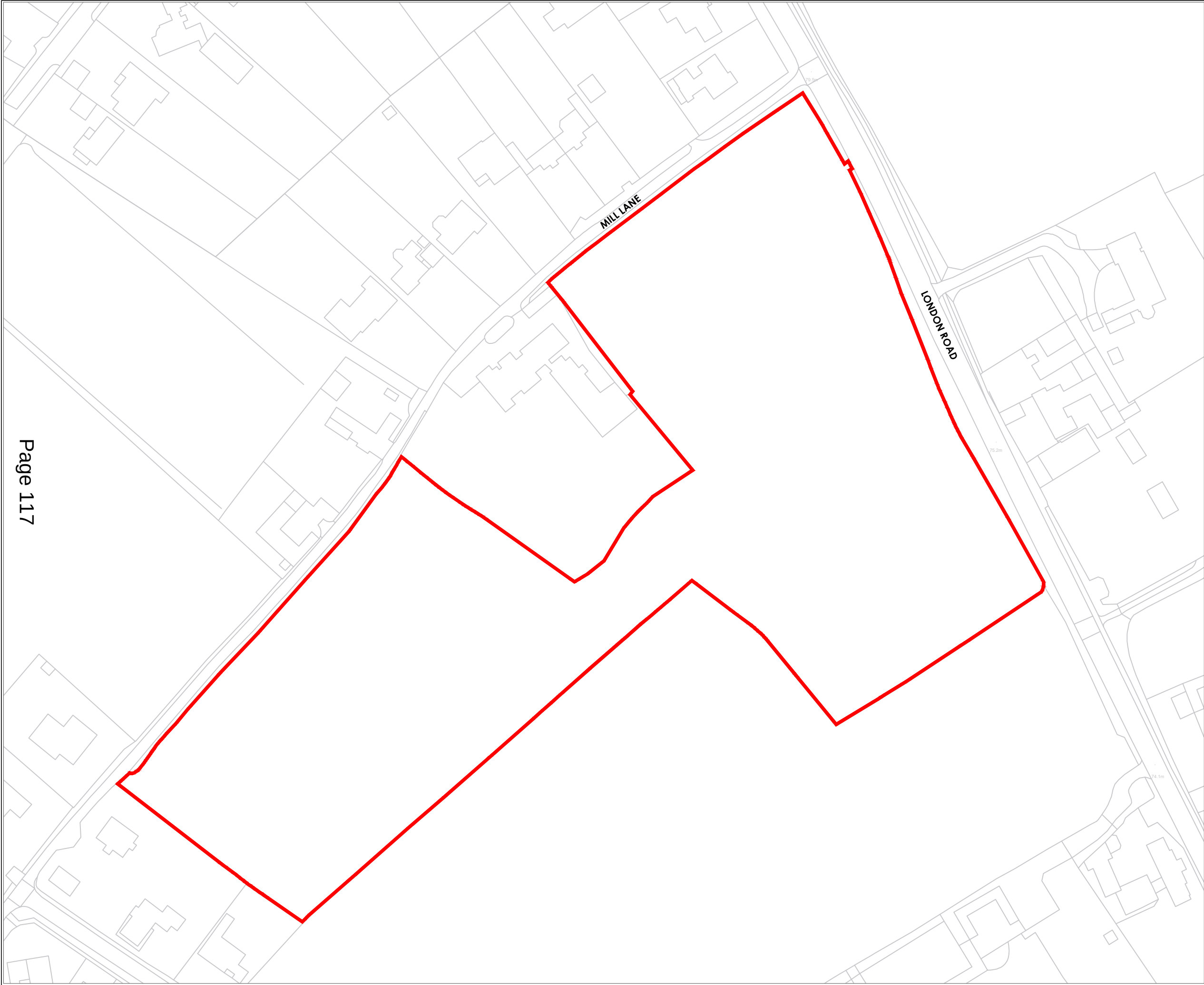
LLFA Informatives:

1. The LLFA wish to be re-consulted should any further amendments be made to this planning application, or, if you are aware of a specific issue which would affect flood risk or drainage at this location.

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

3. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

4. Both FEH13 and FEH22 are currently accepted to support drainage modelling calculations. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted. Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.



 Site Boundary: **3.37ha**

B	04.11.25	RC	Minor amendments
A	30.10.25	RC	Minor amendments
Rev	Date	By	Description
CSA environmental Dixies Barns, High Street, Ashwell, Hertfordshire SG7 5NT t e w 01462 743647 ashwell@csaenvironmental.co.uk csaenvironmental.co.uk			
Project	Land at Mill Lane and London Road, HITCHIN		
Title	Site Location Plan		
Client	Martin Grant Homes		
Scale	1:1250 @ A3	Drawn	RC
Date	April 2025	Checked	RR
Drawing No.	CSA/3922/121	Rev	B

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

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of the Local Government Act 1972.

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of the Local Government Act 1972.

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**PLANNING CONTROL COMMITTEE
PLANNING APPEALS LODGED**

DATE: 13 August 2026

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr and Mrs A Del Basso	22.07.2026	Erection of a detached five-bedroom dwelling with associated detached garage and outbuildings, access, car parking and hard and soft landscaping following the demolition of existing structures and hardstanding (Development has commenced).	Glencoe Villa Snailswell Lane Ickleford SG5 3TS	26/00637/FP	Written Representations

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PLANNING CONTROL COMMITTEE

DATE: 13 August 2026

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr Philip Gomes	Removal of condition 6 of planning permission 25/01850/FP granted 23.09.2025 for erection of chalet bungalow following demolition of existing buildings.	Fen Farm Rabley Heath Road Codicote AL6 9UA	26/00215/S73	Appeal Allowed on 10 July 2026	Delegated	The Inspector concluded that the disputed condition is not necessary or reasonable to make the development acceptable in planning terms, having regard to the site's location in the Green Belt. Accordingly, the removal of condition 6 would not conflict with Policies SP5 (Countryside and Green Belt) or D1 (Sustainable design) of the North Hertfordshire Local Plan 2011-2031 (NHLP) insofar as they seek to protect the Green Belt from inappropriate development and ensure developments respond positively to the local context.
Mr & Mrs Martindale	Replacement of roof fascias, soffits and bargeboards. Replacement of existing render finishes. Replacement of windows.	41 The Avenue Hitchin Hertfordshire SG4 9RQ	24/01945/LDCE	Appeal Allowed on 13 July 2026	Delegated	The Inspector stated that the property does not look exactly the same as before the works, but the works have resulted in few visible changes which are very slight in appearance against their respective hosts, the main house and garage. Having regard to what the Inspector saw and the submitted documentation including the existing and proposed (ie as now built) drawings, The Inspector found

						that as a matter of fact and degree and planning judgement, the replacement works fall within the category of operations for the maintenance, improvement or other alteration of those buildings. Furthermore, the Inspector found that the works have not materially affected the external appearance of the respective buildings of which they form part. Therefore, the works are lawful under s191(2) of the 1990 Act (as amended). because they did not involve development or require planning permission. For the reasons given above, the Inspector concluded, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development for was not well founded and that the appeal should succeed.
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Appeal Decision

Site visit made on 7 July 2026

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2026

Appeal Ref: 6008092

Fen Farm, Rabley Heath Road, Codicote, Hertfordshire AL6 9UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Philip Gomes against the decision of North Hertfordshire District Council.
 - The application Ref is 26/00215/S73.
 - The application sought planning permission for the erection of chalet bungalow following demolition of existing buildings without complying with conditions attached to planning permission Ref 25/01850/FP, dated 23 September 2025.
 - The condition in dispute is No 6 which states:
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.
 - The reason given for the condition is:
Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a chalet bungalow following the demolition of existing buildings at Fen Farm, Rabley Heath Road, Codicote, Hertfordshire AL6 9UA in accordance with the application Ref 26/00215/S73, without compliance with condition number 6 previously imposed on planning permission Ref 25/01850/FP dated 23 September 2025 and subject to the conditions in the attached schedule.

Preliminary Matter

2. The original decision notice, reference 25/01850/FP, dated 23 September 2025, contains two conditions listed as Condition 5. However, from the evidence before me there is no dispute between the parties that the appeal relates to the condition numbered Condition 6 which restricts the properties permitted development rights. I have determined the appeal on this basis.

Background and Main Issue

3. Planning permission was granted in 2025 for the erection of a chalet bungalow following the demolition of existing buildings on the site. The approved scheme would

result in a detached dwelling set within a relatively spacious plot with an associated detached outbuilding. The site lies within the Green Belt.

4. In granting permission, the Council imposed condition 6 which removed permitted development (PD) rights under several classes of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order). The reason for the imposition of the condition refers to the interests of the character and amenities of the area. However, the Council's evidence confirms the condition was imposed due to the property being situated within the Green Belt and that it raises no concerns in relation to the effects on the living conditions of neighbouring occupiers. The 26/00215/S73 reason for refusal also refers to the construction of outbuildings and extensions within the site having the potential to constitute inappropriate development within the Green Belt that could have an adverse impact upon its openness.
5. Accordingly, the main issue is whether the disputed condition is necessary or reasonable to make the development acceptable in planning terms, having regard to the site's location in the Green Belt.

Reasons

6. The appeal site comprises a collection of buildings including a detached garage, stable block and barn on the south-eastern side of Rabley Heath Road in the Green Belt. Residential dwellings lie to the north-east and south-west and open fields extend to the north and south.
7. Permission was granted in 2025 for the replacement of the existing outbuildings on the site with a dwelling under the exception at Paragraph 154(g) of the National Planning Policy Framework (the Framework). In granting permission under this exception, the Council concluded that the scheme constituted the redevelopment of previously developed land that would not cause substantial harm to the openness of the Green Belt.
8. The 25/01850/FP officer report explains that the scheme would result in a net reduction in built volume, but the dwelling would have an increased height compared to the single storey buildings it would replace. However, the report concludes that due to the set-down levels of the site compared to the road and its set-back position, any visual impact from this increase would not result in substantial harm. Nevertheless, the report explains the restriction of permitted development rights would be necessary due to the sites constrained nature and rural green belt location. The Council has also confirmed its concerns are that the reinstatement of permitted development rights would allow for extensions, alterations and detached outbuildings that may lead to disproportionate additions to the dwelling and a reduction in the openness of the Green Belt.
9. Paragraph 55 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance (PPG) reinforces this, adding that area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. Therefore, in accordance with the Framework and PPG, clear justification for removing PD rights, based on the circumstances and individual merits of the particular case, is necessary.
10. The Order outlines the PD rights which apply for all dwellinghouses, albeit some classes set out exceptions that the rights do not apply on Article 2(3) land. This is

defined in the Order as, among other things, land within a conservation area, an area of outstanding natural beauty, a National Park, and a World Heritage Site.

11. It can be inferred from the omission within this definition of land within the Green Belt, that the Government's intention is for dwellinghouses within the Green Belt to have their PD rights intact. This suggests that the type and size of development permitted through the Order would not be inappropriate development in the Green Belt as a matter of course, noting there is no requirements to subject any such development to the tests of inappropriateness or openness. Consequently, the starting point is that PD rights should remain in place, even in the Green Belt, unless clear justification is advanced which is precisely defined and specific to the site. The fact that the appeal property is within the Green Belt does not in itself provide the clear justification required for the disputed condition.
12. There is no quantitative evidence before me comparing the existing outbuildings with the proposed dwelling. Therefore, other than the aforementioned comments in the 25/01850/FP officer report, I cannot be certain whether the footprint, floor space and volumes between the two would be comparable. However, despite the overall increase in height cited by the Council, I have no substantive evidence before me to suggest that the new dwelling would result in such an enlargement that would have justified the imposition of the disputed condition. The appeal site is relatively spacious and is not particularly constrained. It is also set within an area where the density of development is varied and there is nothing before me to suggest that other nearby properties have had their PD rights similarly restricted. The development approved by the Council was also found to be acceptable when considered against national and local Green Belt policies and I have not been directed to any specific policy that supports the removal of permitted development rights in these circumstances.
13. The Council is concerned that additional built form could disproportionately extend the dwelling and reduce openness, therefore constituting inappropriate development. However, there is no substantive evidence before me to indicate that this would be the case, and I am satisfied that the provisions of the Order provide sufficient safeguards to prevent the over-development of a site.
14. I also acknowledge that additions or alterations undertaken through PD rights could influence the areas rural character. Nevertheless, the setting of the appeal site would be a typical characteristic of many areas within the Green Belt, and I am not persuaded that minor extensions to the dwelling would have such an effect on the openness of the Green Belt or its purposes to justify the removal of permitted development rights. Accordingly, the circumstances cited by the Council are not unique to the appeal site and do not represent clear, site specific justification to adequately demonstrate how the exercise of PD rights within the appeal site would be implicitly harmful to the Green Belt. Consequently, on the evidence before me and taking all of the above matters into consideration, clear justification for removing PD rights, based on the circumstances and merits of this particular case, has not been demonstrated.
15. For the above reasons, I therefore conclude that the disputed condition is not necessary or reasonable to make the development acceptable in planning terms, having regard to the site's location in the Green Belt. Accordingly, the removal of condition 6 would not conflict with Policies SP5 or D1 of the North Hertfordshire Local Plan 2011-2031 (NHLP) insofar as they seek to protect the Green Belt from inappropriate development and ensure developments respond positively to the local context. Given the Council has confirmed the removal of this condition would not

adversely affect living conditions, Policy D3 of the NHLP has not been determinative in my consideration of this appeal.

Conditions

16. The PPG makes clear that decision notices for the grant of planning permission under section 73 of the Town and Country Planning Act 1990 should also restate the conditions imposed on earlier permissions that continue to have effect. I have limited information before me about the status of the other conditions imposed on the original planning permission. Therefore, I shall impose all those that I consider remain relevant. In the event that they have in fact been discharged, that is a matter which can be addressed by the parties.
17. For the avoidance of doubt, while condition 6 will be deleted, I will otherwise renumber the remaining conditions to account for the typographical error on the original decision notice. I have also added the plans referenced on page 1 of the original decision notice to condition 2 in the interests of clarity.

Conclusion

18. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should succeed. I will therefore allow the appeal and grant a new planning permission without the disputed condition and restating those undisputed conditions that are still subsisting and capable of taking effect.

H Whitfield

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before 23 September 2028.
- 2) The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans 6194-P01-C 6194-OS1 A 6194-OS1 B 6009-E01.
- 3) No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
 - A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
 - A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
 - A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

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

- 4) Prior to the first commencement of the development hereby permitted a plan of cycle parking should be submitted in accordance with (Cycle Infrastructure Design' DfT Local Transport Note 1/20 (July 2020) and approved in writing by the Local Planning Authority. Prior to first occupation the approved scheme shall be fully implemented and thereafter retained for this purpose.
- 5) Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.
- 6) A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and

objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved detail.

- 7) Prior to the commencement of the development hereby permitted full details of all hard and soft landscaping as well as boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved details of soft landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement. Approved hard landscaping and boundary treatment details shall be implemented prior to the first occupation of the dwelling hereby permitted.

**** END OF SCHEDULE ****

Appeal Decision

Site visit made on 23 June 2026

by Grahame J Kean B.A. (Hons), Solicitor, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2026

Appeal Ref: APP/X1925/X/25/3359692

41 The Avenue, Hitchin SG4 9RQ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Kirsty Martindale against the decision of North Herts Council.
 - The application ref 24/01945/LDCE, dated 30 August 2024, was refused by notice dated 25 October 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended) (the “1990 Act”).
 - The development for which a certificate of lawful use or development is sought is: replacement of roof fascias, soffits and bargeboards. Replacement of existing render finishes. Replacement of windows.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing operations which are found to be lawful.

Preliminary matters

2. Both parties had indicated that the relevant part of the appeal site could be seen from public land and it was not essential to enter the site. On my inspection the replacement works were clearly visible on the garage to the front of the plot and mostly to the house itself. I was unable to see the rear of the house, but I have had the benefit of considering the existing and proposed drawings submitted in the appealed application. So far as I could see, the property has been subject to the works therein described and I have been given no reason to suppose that the parts not visible to me have not also been subject to those works.
3. I should also note that there appears to be an error in the existing and proposed drawings in that the garage door is not shown in white in either drawing, whereas it was when I inspected. Furthermore, this appears to have been the pre-existing position judging from publicly available Google images from previous years including 2020, which image also provides a clear picture of the scalloping detail of the pre-existing bargeboards on the main house.

Legal background

4. By s191(2) of the 1990 Act uses and operations are lawful at any time if (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason) and (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

5. By s57(1) of the 1990 Act planning permission is required for the carrying out of any development of land. "Development" is defined under s55 as follows:
"(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land..."
6. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Schedule 2, Part 1, Class A. Class A permits the enlargement, improvement or other alteration of a dwellinghouse but subject to limitations and conditions. A relevant limitation is found in Class A.2(a):
"In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if— (a) it consists of or includes the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles"
7. The appeal site is on Article 2(3) land because it is in a conservation area, namely the Hitchin Conservation Area.
8. By s55 (2) certain operations or uses of land shall not be taken for the purposes of this Act to involve development of the land, including —
"(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—...(ii) do not materially affect the external appearance of the building."
9. In *Burroughs Day v Bristol City Council* [1996] 1 P.L.R. 78 (QBD) it was held that a change in external appearance had to be judged in relation to the building as a whole, not by reference to a part of the building taken in isolation but Lieven J in *London Borough of Haringey v Secretary of State for Housing Communities and Local Government, Paul Muir* [2019] EWHC 3000 (Admin), stated:
"Given the statutory definition in s.336 [building includes part of a building] it is open to the decision maker to take into account the impact on that part alone, and to the degree the Judge in Burroughs Day was suggesting that as a matter of law (rather on the facts of the case) that was not material, in my view he was wrong."
10. In *Dharmeshkumar v Secretary of State for Housing, Communities and Local Government & Anor* [2025] EWHC 25123 (Admin) the court, after reviewing these authorities, observed at paragraph 109:
"It follows from this analysis that submissions about what proportion of the building has been affected by unauthorised works is an unnecessary distraction. The point to be considered is: how material is the change to the appearance of such part of the building as has been changed?"

Main issue

11. The main issue is whether, on the facts of the case and relevant planning law, the existing work identified in the LDC application is lawful. Planning merits are not relevant in this appeal. The issue is determined on the balance of probabilities and ultimately irrespective of the reasons given by the Council in its determination of the application.

12. The Council did not provide a statement. It relied on the officer's report that dealt with the application. The application form had stated in terms that the changes required "*do not require planning permission but involve minor changes to the external appearance of a building in the conservation area*". However, the Council failed to consider that matter. Its report assumed that planning permission was required and it presented the issue as a binary one of whether the works required a specific planning permission or benefited from the deemed permission inherent in the permitted development legislation.
13. Therefore, the report failed to deal with the prior question which was fairly and squarely before them, ie whether the works amounted to development in the first place, which question I shall now address.
14. Accordingly, there are two key questions to determine on the facts of this case, namely whether under the s55(2) exemption the works constitute works of maintenance, improvement or other alteration and secondly, whether they constitute works which do not materially affect the external appearance of the building (s55(2)(a)(ii)).
15. The works described in the application are threefold:
 - replacement of roof fascias, soffits and bargeboards;
 - replacement of existing render finishes; and
 - replacement of windows.
16. The timber fascias, soffits and bargeboards on the house and garage have been replaced with new white uPVC. The bargeboards are straight, rather than scalloped as existed. The existing render on the walls has been removed and replaced with new through-coloured render. The existing timber windows to the house and garage have been replaced using new white uPVC. The fenestration patterns have remained as they pre-existed.
17. The fact that the property is in a conservation area is not directly relevant to the statutory tests to be applied of whether there are works of maintenance, improvement or other alteration and if so whether they materially affect the external appearance of the building or not. In *Burroughs Day* the Court said (at paragraph 78):

"Materiality" must in every case take into account the nature of the particular building which it is proposed to alter. It is obvious that what is not a material alteration to the external appearance of a factory ... may be a material alteration to the external appearance of an 18th century house (whether or not it is listed or in a conservation area)".
18. Indeed, in *Muir*, which concerned uPVC windows in a conservation area, the Inspector had wrongly considered the wider area in judging the external effect on the building, analysing the impact on part of the conservation area, rather than a lawful analysis of the test in s55(2)(a)(ii).
19. The appeal property is a large, detached dwelling with a separate garage at the front of the plot. It is of relatively modern construction, the roofs of both structures are natural slate, and the walls are of red brick and white render, elements that have been retained subsequent to the works. Whilst the windows have been replaced in uPVC, the original openings and fenestration detail remain unchanged.

20. Furthermore, the appellant explained that:

“the render work was maintenance rather than new cladding to the property, the old sand and cement render being in poor condition and visually unappealing. Therefore, the render was stabilised with mesh and a new coat of modern acrylic render applied in the same colour. No new areas were covered and it is also said that the property looks the same as before the works.”

21. The property does not look exactly the same as before the works, but the works have resulted in few visible changes which are very slight in appearance against their respective hosts, the main house and garage. Having regard to what I saw and the submitted documentation including the existing and proposed (ie as now built) drawings, I find that as a matter of fact and degree and planning judgement, the replacement works fall within the category of operations for the maintenance, improvement or other alteration of those buildings. Furthermore, I find that the works have not materially affected the external appearance of the respective buildings of which they form part.
22. Therefore, the works are lawful under s191(2) because they did not involve development or require planning permission

Conclusion

23. For the reasons given above, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development for is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

Grahame J Kean

INSPECTOR

Plan

This is the plan referred to in the Lawful Development Certificate dated: 13 July 2026

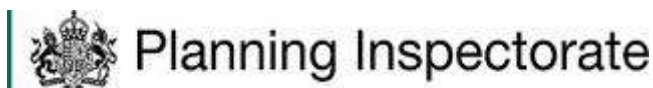
by Mr Grahame J Kean

Land at: 41 The Avenue, HITCHIN, SG4 9RQ

Reference: APP/X1925/X/25/3359692

Scale: Not to Scale





Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 30 August 2024 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The replacement works fall within the category of operations for the maintenance, improvement or other alteration of those buildings of which they form part and have not materially affected their external appearance. Therefore, the works are lawful under s191(2) because they did not involve development or require planning permission.

Signed

Grahame J Kean

Inspector

Date: 13 July 2026

Reference: APP/X1925/X/25/3359692

First Schedule

Replacement of roof fascias, soffits and bargeboards. Replacement of existing render finishes. Replacement of windows.

Second Schedule

Land at 41 The Avenue, Hitchin SG4 9RQ

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

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