

NORTH HERTFORDSHIRE DISTRICT COUNCIL



18 September 2026

Our Ref Planning Control Committee 1 October
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, 1ST OCTOBER, 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
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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 - 3 SEPTEMBER 2026	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 3 September 2026.	(Pages 5 - 14)
3. NOTIFICATION OF OTHER BUSINESS	Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4. CHAIR'S ANNOUNCEMENTS	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION	To receive petitions, comments and questions from the public.	
6. 24/02889/FP LAND AT ROUNDWOOD, BACK LANE, GRAVELEY, HERTFORDSHIRE	REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Residential development of 281 dwellings and associated roads, parking, realignment of Back Lane, drainage, landscaping, open space, servicing facilities and associated works (as amended).	(Pages 15 - 86)

- 7. 26/01178/FP MORRISONS SUPERSTORE, BROADWAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 3TS** (Pages 87 - 98)

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Installation of CCTV pole cameras and installation of valeting air/vac unit following removal of no.7 parking spaces.
- 8. 26/00853/FP MORRISONS SUPERSTORE, BROADWAY, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 3TS** (Pages 99 - 110)

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Installation of floodlights.
- 9. 26/00262/FP LAND AT NEW POUND FARM EAST SIDE OF, OLD HALE WAY, HITCHIN, HERTFORDSHIRE, SG4 0SA** (Pages 111 - 122)

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of one detached dwelling.
- 10. 26/00021/FP 1 AND 3 PRIORY LANE, LITTLE WYMONDLEY, HITCHIN, HERTFORDSHIRE, SG4 7HE** (Pages 123 - 136)

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of one pair of semi-detached dwellings and one detached dwelling to include cycle stores, hard and soft landscaping and parking following demolition of the existing commercial buildings. Alterations to existing vehicular access (as amended by plans rec'd 9 March 2026).
- 11. EXCLUSION OF PRESS AND PUBLIC**

To consider passing the following: 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).
- 12. PART 2 MINUTES - 3 SEPTEMBER 2026** 137 - 138

To take as read and approve as a true record the Part 2 Minutes of the meeting of the Committee held on 3 September 2026.
- 13. APPEALS** (Pages 139 - 146)

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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, GERON
ROAD, LETCHWORTH, SG6 3JF
ON THURSDAY, 3RD SEPTEMBER, 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, Claire Winchester, Dave Winstanley and Bryony May (In place of Ruth Brown).*

In Attendance: *Luca Benedito (Trainee Committee, Member and Scrutiny Officer), Faith Churchill (PA - Director Governance), Ben Glover (Senior Planning Officer), Sarah Kasparian (Principal Planning Officer (Major Projects)), Saffron Loasby (Senior Planning Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Christella Menson (Conservation and Planning Enforcement Team Leader) and Nazneen Roy (Locum Planning Lawyer).*

Also Present: *At the commencement of the meeting approximately 7 members of the public, including registered speakers.*

Councillor Claire Strong was in attendance as Member Advocate Objector.

47 APOLOGIES FOR ABSENCE

Audio recording – 03 minutes 20 seconds

Apologies for absence were received from Councillor Ruth Brown.

Having given due notice, Councillor Bryony May substituted for Councillor Brown.

48 MINUTES - 23 JULY 2026

Audio Recording – 03 minutes 34 seconds

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

RESOLVED: That the Minutes of the Meeting of the Committee held on 23 July 2026 be approved as a true record of the proceedings and be signed by the Chair.

49 NOTIFICATION OF OTHER BUSINESS

Audio recording – 04 minutes 44 seconds

There was no other business notified.

50 CHAIR'S ANNOUNCEMENTS

Audio recording – 04 minutes 48 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.

51 PUBLIC PARTICIPATION

Audio recording – 07 minutes 11 seconds

The Chair confirmed that the registered speakers were in attendance.

52 25/02064/OP Land Adjacent To 10, Hambridge Way, Pirton, Hertfordshire

Audio recording – 07 minutes 34 seconds

The Senior Planning Officer provided a verbal update on matters relating to Application 25/02064/OP and advised that:

- Pirton Sports and Social Club had submitted several objections not directly covered within the officer report, and these were available online.
- Key issues raised included deficiencies in the noise survey, drainage report and mitigation, proposed planning conditions, and the setting back of the site from the recreation ground to protect sporting activities.
- The objection also requested merging the Cotman End access with the recreation ground access and safeguarding land within the application site for future expansion of the recreation ground.
- The original objection included a request for £365,000 towards pavilion and recreational improvements.
- The recreation ground and its access were outside the red-line boundary, and there was no requirement for the applicant to merge access roads.
- Highways had raised no objection to the proposed access arrangements.
- The site exceeded Fields in Trust requirements for open space for a development of this scale.
- The Lead Local Flood Authority and Environmental Health had raised no objections.
- The applicant had agreed planning obligations towards sports facilities and pitches within the district, but not directly to Pirton Sports and Social Club.
- Sports England and the England and Wales Cricket Board enforce an 80m strike zone from the cricket square, and the illustrative layout showed development within that zone.
- Approval was recommended subject to additional conditions delegating authority to the Development and Conservation Manager.

The Senior Planning Officer then presented the report in respect of application 25/02064/OP accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

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

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

- Green arrows shown on the framework plan were indicative access principles for pedestrian and cycle movement, to be detailed at Reserved Matters stage.
- Biodiversity Net Gain (BNG) contributions would be secured by condition and delivered at district or county level.
- The hedgerow habitat unit increase of 23% would be safeguarded through the biodiversity net gain plan required under Condition 25.
- The BNG plan would be submitted to and approved by the Planning Authority before commencement.
- Boundary hedgerows were expected to be retained and reinforced as part of achieving net gain.
- Affordable housing mix would be secured through the Section 106 agreement.
- Market housing mix would be submitted prior to commencement and assessed against policy and the Strategic Housing Market Assessment.
- Detailed housing mix was not required at outline stage.
- Construction traffic management would be determined by the Highway Authority.

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

- Pirton valued its natural environment, and a 19% biodiversity net loss on a single greenfield site was unacceptable.
- The central hedgerow was proposed for removal despite supporting bat species, including the rare Bechstein bat.
- Biodiversity calculations assumed a pond that as no longer proposed, and updated reports were required.
- Off-site biodiversity compensation should be reinvested in Pirton, where numerous biodiversity projects were ongoing.
- Noise assessments were inadequate and did not reflect actual recreation ground use, including large events and regular football activity.
- Section 106 allocations provided only £13,300 to the village hall despite the parish being directly affected by the development.
- She requested deferment for updated reports or additional conditions.

The following Members asked points of clarification:

- Councillor Louise Peace

In response to points of clarification, Parish Councillor Burleigh advised that:

- Noise assessments were based on outdated pavilion use and did not capture typical weekend activity or large events.
- Without accurate noise evidence, mitigation for future residents would be insufficient.

The Chair thanked Parish Councillor Burleigh for their presentation and invited the second Public Objector, Alan Scott to speak against the application. Mr Scott thanked the Chair for the

opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Current proposals were not adequate to protect the recreation ground because its use and associated risks had not been properly assessed.
- The proposed noise condition relied on an acoustic assessment carried out over six days in July 2025 during school holidays, using the Woman's Euro Final at the old clubhouse as a worst-case event.
- By contrast, the fireworks events attracted over 2,000 people outdoors with fireworks and live music, and winter football weekends brought around 200 players and supporters.
- If evidence did not reflect actual use, any condition based on it would be defective, and mitigation must be designed now, as it would be too late once homes were built.
- The highways assessment focused only on weekday peak-hour traffic for the development and not on the operation of the recreation ground.
- The single-track entrance caused significant congestion during routine football and became substantially worse during events.
- This application represented the last realistic opportunity to resolve long-standing access problems; failure to do so would constrain safe operation and future potential of the recreation ground.
- The proposed Section 106 package directed £151,817 of sports contributions elsewhere, despite the Council's own strategy identifying Pirton's football and cricket needs as high priority.
- Funding was instead allocated to projects in Ickleford and Hitchin, with nothing for facilities next door.

The following Members asked points of clarification:

- Councillor Nigel Mason
- Councillor Martin Prescott

In response to points of clarification, Mr Scott advised that:

- Section 106 funding was being directed to Ickleford despite Pirton being identified as a higher priority in the Council's own strategy.
- The recreation ground access road was separate from the proposed Cotman End access for the development, though located immediately adjacent.
- The recreation ground access was an unmade track, causing significant operational issues, and both access points sat close to a blind corner.
- Highways had assessed only the Cotman End access and not the combined impact of both adjacent access points.
- Parking during major events was already problematic, with vehicles parking on Pirton's public streets and sometimes on Cotman End despite residents placing signs to discourage it.
- The Club had proposed reconfiguring the playground to create additional parking space, but overall capacity remained constrained.
- A recent accident had occurred due to vehicles reversing to allow others to pass on the narrow track.

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

- The project still had work to complete, but the village now had £400,000 of debt and no remaining funds; the organisation was financially 'broke.'
- The officer report made no assessment of the negative impact of the development on its nearest neighbour, the recreation ground.

- Detailed representations had been submitted, but there had been no material engagement with the developer, who had produced plans in isolation.
- The proposal was defective and should be deferred to address material faults.
- The noise survey was outdated, taken before the new pavilion, used an indoor low-noise event, and concluded no mitigation; proper assessment and safeguarding are needed.
- The strategy does not address surface water runoff onto clay-based pitches, risking damage without documented solutions.
- A simple vehicle link via a gap in the fence was missing, despite being easy to implement and not requiring merged ownership.
- Pirton receives only £13,000 out of £2.6 million despite high local need; contributions should be revised to support pavilion completion, village hall, playground and cricket facilities.

In response to points of clarification from Councillor Martin Prescott, Mr Cole advised:

- Mitigation must follow the agent of change principle, requiring setbacks, sound proofing, ventilation systems and legal protection to safeguard recreation ground use.
- Parking during major events already causes significant issues, and current proposals threaten long-established recreation ground operations.

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

- The proposed access into the new development was a single-entry pinch point, giving priority to one direction of traffic, such designs were rare and potentially dangerous.
- A solution could be found if the developer, Parish Council and Pirton Sports and Social Club engaged meaningfully to create a lasting improved access to the recreation ground.
- The new NPPF required proportionate pre-application engagement with those affected, and emphasised sustainable transport, walking, wheeling and cycling.
- An amended scheme could provide safer access to both the recreation ground and the new development, improving connectivity and reducing conflict between pedestrians, cyclists and vehicles.
- The Section 106 package included no facilities for play, sport or informal recreation in Pirton, despite clear local need.
- Pirton had never received Section 106 funding from Ickleford applications and questioned why Pirton should now be funding Ickleford's facilities.
- Conditions and mitigations need to be considered rather than deferral, ensuring outstanding matters and financial contributions were directly relevant to Pirton's needs.

In response to points of clarification from Councillor Martin Prescott, Councillor Strong advised that:

- She did not know who had decided to divert Section 106 funding away from Pirton.
- The Parish Council had explored quotes for play equipment and other enhancements, but nothing progressed at the time.
- Providing a new play area within the private development would not benefit the wider village, whereas enhancing existing facilities would.

The Chair thanked Councillor Strong for their presentation and invited the Agent to the Applicant, Mr Steven Kosky to speak in support of the application. Mr Kosky thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- The application proposed up to 50 sustainable new homes, including 20 affordable homes in accordance with Local Plan Policy HS2, alongside large areas of public open space.
- The Council had significant unmet market and affordable housing needs, and the scheme could be delivered rapidly in a sustainable village location.
- Officers gave significant weight to the market housing and very significant weight to the affordable housing.
- The applicant had a strong track record of delivering high-quality sustainable housing in Pirton, demonstrated by the completed Cotman End scheme.
- The development would complement Cotman End with a broader scale and mix of homes and was consistent with the emerging settlement pattern.
- Officers considered the proposal a logical extension to the village and an important contribution to housing land supply.
- The new NPPF (2026) did not change the principles of sustainable development or the need to deliver new homes in appropriate locations.
- Policy S5 of the new NPPF allowed development outside settlement limits where unmet need existed, including circumstances where the LPA could not demonstrate a five-year housing land supply.
- Officers concluded the scheme was physically well-related to the settlement and of a scale that could be accommodated with existing and proposed infrastructure.
- Infrastructure improvements would be delivered via planning conditions and obligations, including public transport enhancements.
- All obligations sought by North Herts were agreed in principle, and the applicant was liaising with Highways on final sums for infrastructure works.
- The proposals were sustainable, deliverable and provided much-needed homes at a time when the Council could not demonstrate a five-year housing land supply.

There were no points of clarification from Members.

In response to points made during the verbal presentations, the Senior Planning Officer advised that:

- A noise report had been submitted, assessed by the Environmental Health Officer, and no objection was raised. A condition was included to secure appropriate mitigation.
- The desire to merge the recreation ground access with Cotman End was noted, but the recreation ground access lay outside the red-line boundary. Highways had raised no objection to the proposed access arrangements, subject to conditions and Section 106 contributions.
- Sports England calculators were used to determine contributions for sport facilities and playing pitches, projects were identified by internal consultees and the Open Space team.
- Concerns about drainage were noted, but the Lead Local Flood Authority had raised no objection.

In response to points raised, the Locum Planning Lawyer advised that:

- Appeal decisions had considered the agent of change principle, including a case involving 79 homes near a music venue.
- In that appeal, a condition requiring a deed of easement, which prevented new residents from complaining about noise, was removed by the Inspector, who concluded that ordinary acoustic mitigation was sufficient.
- For this application, Condition 30 required a noise mitigation scheme to be submitted prior to commencement, and the LPA must be satisfied that the scheme was appropriate.
- Statutory nuisance is dealt with under separate legislation, not planning law.
- Environmental Health may refer back to their planning consultation response, but statutory nuisance would be assessed independently.
- Confirmed that planning conditions could be strengthened by requiring an updated noise assessment and further mitigation.

The following Members asked questions:

- Councillor Louise Peace
- Councillor Martin Prescott
- Councillor Clare Billing
- Councillor Caroline McDonnell
- Councillor Bryony May
- Councillor Emma Fernandes
- Councillor Claire Winchester
- Councillor Dave Winstanley
- Councillor Val Bryant
- Councillor Ian Mantle

In response to questions, the Principal Planning Officer (Major Sites) advised that:

- The BNG plan must be resubmitted and if the attenuation basin was assumed wet but is now dry, the BNG calculation would be reassessed and credits adjusted.
- Condition 30 could be strengthened by requiring an updated noise assessment and securing further mitigation.
- If an updated noise assessment showed unacceptable noise, officers would need to secure mitigation; Committee may delegate reconsideration, and the application could return if the recommendation changes.
- This was an outline application with all matters reserved, except for means of access.
- Highways raised no objections and detailed access design, including safety considerations and mitigations, would be addressed at Reserved Matters.
- Committee could delegate the noise reassessment to officers, following which Environmental Health would be reconsulted, and dwellings could not be occupied until an approved mitigation scheme was in place.
- Officers facilitate statutory consultations, missed representations from Pirton Sports and Social Club were addressed verbally, and officers can revisit stakeholder engagement as part of the recommendation.

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

- Statutory nuisance is governed by separate legislation, and planning mitigation cannot prevent statutory nuisance complaints.
- Environmental Health's planning opinion does not override statutory nuisance law.
- Planning conditions can require updated assessments and mitigation, but statutory nuisance investigations remain independent and may still restrict activities.

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

- Highways assess only submitted transport evidence, they cannot assess event-based traffic.
- The recreation ground access is not believed to be public highway.
- Highways will judge based on traffic movements submitted by the applicant.
- Hambridge Way emergency access cannot be upgraded to a full secondary access, it is too narrow and functions more like a bridleway, which is not part of the submitted scheme.
- Section 106 sports contributions can still be reviewed even if the application is deferred.
- Not aware of direct engagement between applicant and Parish Council, officers can encourage but not compel engagement.
- Officers can discuss concerns with Highways, but Highways rely on formal transport assessment, not event-based observations.
- All outstanding issues could theoretically be resolved with more time through deferral.

Councillor Nigel Mason proposed to grant permission and this was seconded by Councillor Ian Mantle.

The following Members took part in the debate:

- Councillor Clare Billing
- Councillor Claire Winchester
- Councillor Martin Prescott
- Councillor Nigel Mason
- Councillor Ian Mantle

The following points were made as part of the debate:

- The noise issue could not be provided as a reason to refuse this application, and mitigations were proposed in the conditions drafted.
- The application felt incomplete and missing key elements, a deferral would be supported.
- Conditions were good but concerns would not be resolved, feared statutory nuisance complaints could still arise even after deferral and updated assessments.
- Any alternative recommendation must be supported by a material planning reason.
- If Members believed the site could not accommodate 50 homes without noise nuisance, that could constitute a reason for refusal.
- Mitigation protects future residents, not the sports club, and planning cannot safeguard the ability of the venue to hold events long-term.
- Restrictions enforced by the Licensing authority could force the club to reduce events or close windows, potentially making it unsustainable.

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

RESOLVED: That application 25/02064/OP be **GRANTED** planning permission 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.
- 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.
- C) That authority be delegated to the Development and Conservation Manager to finalise the planning obligations relating to sports facilities and playing-pitch provision, including determining whether any contribution or provision should be secured for Pirton Sports and Social Club, following consultation with Sport England and Pirton Sports and Social Club.
- D) That authority be delegated to the Development and Conservation Manager to require the applicant to submit a Ball Trajectory Risk Assessment or similar, undertaken by a suitably qualified person, and, following consultation with Sport England, to address this requirement before outline planning permission is issued.
- E) The conditions as set out in the report with an amendment to Condition 30 and an additional condition 33 as follows:

'Condition 33

No development shall commence until a Market Housing Mix Schedule has been submitted to and approved in writing by the Local Planning Authority. The schedule shall set out the number, type, and size of market dwellings proposed across the site and how this would complement the affordable housing mix agreed by planning obligation. The schedule shall take into account the requirements of Policy HS3 of the Local Plan and the most recent Strategic Housing Market Assessment. Any reserved matters application pursuant to this outline planning permission shall be in accordance with the approved schedule.

Reason: To inform the layout, scale and density of the development to be submitted at reserved matters stage and to secure an appropriate range of house types and sizes in accordable with Policies SP8 and HS3 of the North Hertfordshire Local Plan 2011-2031.

Condition 30

Prior to the commencement of development, an updated Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall review the findings and recommendations of the Cass Allen Ltd report (Ref: RP01-25395-R0) dated 12 August 2025, taking account of the development layout and all relevant noise sources, and shall identify any necessary mitigation measures to protect the residential amenity of future occupants. No dwelling shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To ensure that the potential noise impacts of the development are properly assessed and appropriately mitigated, and to protect the residential amenity of future occupants, in accordance with Policy D3 of the North Hertfordshire Local Plan 2011–2031.'

53 26/01373/S73 Site Of Former Greenside, London Road, Langley, Hertfordshire, SG4 7PP

Audio recording – 02 hours 02 minutes 29 seconds

The Senior Planning Officer provided a verbal update on matters relating to Application 26/01373/S73 and advised that:

- Planning permission was granted in 2024 for demolition of the former dwelling, outbuildings and yard buildings, and construction of six detached four-bedroom dwellings.
- Development had commenced and the houses were now substantially progressed.
- The application sought to vary the approved drawings under Section 73, with the principal change being the addition of carports to each of the six units.
- The site lies on the eastern side of London Road, Langley, within the Green Belt, but comprises previously developed land.
- The listed Forge building is located north of the entrance, with a public footpath along the western boundary.
- The position of all six units remain unchanged from the approved scheme.
- Plots 1 and 2 would have double-bay carports; plots 3-6 would have single-bay carports.
- Carports are lightweight timber structures positioned within previously approved parking areas.

The Senior Planning Officer then presented the report in respect of Application 26/01373/S73 accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

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

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

- A condition had been imposed to prevent the carports from being enclosed, ensuring they remain open and retained for vehicle parking.

- Although the carports were slightly smaller than the standard as outlined in the Design Code due to separate bin and cycle storage. However, they were still capable of accommodating a car.
- Parking provision had already been established under the previous permission, and the carports did not raise any substantive concerns regarding size or impact.

Councillor Martin Prescott proposed to grant permission and this was seconded by Councillor Tom Tyson and, following a vote, it was:

RESOLVED: That application 26/01373/S73 be **GRANTED** planning permission subject to the conditions as set out in the report of the Development and Conservation Manager.

54 EXCLUSION OF PRESS AND PUBLIC

Audio recording – 02 hours 13 minutes 10 seconds

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

RESOLVED: 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 Schedule 12A of the said Act (as amended).

55 PLANNING ENFORCEMENT UPDATE - PART 2

N.B. This item was considered in restriction session and therefore no recording was available.

Details of minutes taken on this item are restricted due to the disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of Section 200A(4) of the Local Government Act 1972 (as amended).

56 PLANNING ENFORCEMENT UPDATE - PART 1

Audio recording – 02 hours 44 minutes 52 seconds

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

- The quarterly enforcement report had been circulated and was for noting.
- Since the last update, two enforcement notices had been served.
- One notice had been appealed, and the Council was awaiting the Planning Inspector decision.

The meeting closed at 9.46 pm

Chair

<u>Location:</u>	Land At Roundwood Back Lane Graveley Hertfordshire
<u>Applicant:</u>	Mr Richard Kelly
<u>Proposal:</u>	Residential development of 281 dwellings and associated roads, parking, realignment of Back Lane, drainage, landscaping, open space, servicing facilities and associated works (as amended).
<u>Ref. No:</u>	24/02889/FP
<u>Officer:</u>	Naomi Reynard

Date of expiry of statutory period

20th March 2025

Extension of statutory period

31st October 2026

Reason for delay

Viability report submitted and independently reviewed.

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 Relevant History

10/00583/1 – Outline application for residential development of up to 360 dwellings including 35% affordable housing). Provision of open space and landscaping, transport and pedestrian infrastructure and ancillary facilities (Outline application: All matters reserved apart from means of access [except Phase 1 - see below]). Provision of vehicular access off Haybluff Drive and Church Lane. Phase 1 development of 67 dwellings as follows: 15 no. two bedroom dwellings (of which 11 as affordable housing); 34 no. three bedroom dwellings (of which 8 as affordable); 16 no. four bedroom dwellings (of which 2 as affordable) (Matters of landscaping reserved for Phase 1 only). Withdrawn 18/05/21.

16/00183/1PRE – Pre-application enquiry for residential development for up to 360 dwellings with associated open space and ancillary infrastructure. Response provided.

16/00185/1SO - Screening Opinion: Proposed residential development of up to 360 dwellings with associated ancillary open space and infrastructure. Decision made on 08/02/2023 that EIA not required.

16/01713/1 - Hybrid (part outline, part full) application for residential development of up to 360 dwellings (including 40% affordable housing). Provision of open space and landscaping, transport and pedestrian infrastructure and ancillary facilities. Phase 1: full application for 108 dwellings. Subsequent phases: outline application - all matters reserved except for access. (As amended by plans and supporting documents received 28th and 31st July 2017). Withdrawn 21/11/23.

22/03016/SO - Screening Opinion: Proposed Housing Development (330 dwellings). Decision made on 14/04/23 that EIA not required.

23/01649/PRE - Pre-application enquiry for erection of 292 dwellings including associated landscaping, open space and infrastructure. Response provided.

23/02492/FP - Residential development of 292 dwellings and associated roads, parking, drainage, landscaping, open space, servicing facilities and associated works. Withdrawn 15/01/25.

Pre-application workshops and discussions May to November 2024 (including applicant team, NHC Officers and Highways Authority Officers).

This current application was referred to Planning Control Committee on 24th July 2025 and the Committee resolved that the application be granted planning permission subject to the completion of a satisfactory legal agreement, providing delegated powers to the Development and Conservation Manager to resolve any outstanding matters (including management and maintenance of the open space) and the applicant agreeing to extend the statutory period in order to complete the agreement if required; providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required; and conditions and informatives.

2.0 **Policies**

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

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP6: Sustainable Transport

Policy SP7: Infrastructure requirements and developer contributions

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, landscape and biodiversity

Policy T1: Assessment of transport matters
 Policy T2: Parking
 Policy HS1: Local Housing Allocations
 Policy HS2: Affordable Housing
 Policy HS3: Housing Mix
 Policy HS5: Accessible and Adaptable Housing
 Policy D1: Sustainable design
 Policy D3: Protecting living conditions
 Policy D4: Air quality
 Policy NE1: Strategic green infrastructure
 Policy NE2: Landscape
 Policy NE4: Biodiversity and geological sites
 Policy NE6: New and improved open space
 Policy NE7: Reducing flood risk
 Policy NE8: Sustainable drainage systems
 Policy NE9: Water quality and environment
 Policy NE10: Water conservation and wastewater infrastructure
 Policy NE12: Renewable and low carbon energy development
 Policy HE1: Designated heritage assets
 Policy HE4: Archaeology

Policy GA1 sets out the site-specific policy criteria for the site and give a dwelling estimate of 330 homes. The site-specific criteria are as follows:

- ***“Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery;***
- ***Sensitive integration into existing settlement in terms of development layout and building orientation;***
- ***Principal vehicular access taken from existing residential streets within Great Ashby;***
- ***Provision for sustainable modes of transport having regard to the Stevenage Mobility Strategy;***
- ***Transport Assessment to identify and secure measures to manage traffic flows arising from the development along Back Lane;***
- ***Contribution towards appropriate GP provision across the north of Stevenage sites;***
- ***Maintain general integrity of Weston Road, including as a through route for pedestrians and cyclists;***
- ***Retention and sensitive treatment of priority woodland habitats surrounding site to north and west;***
- ***Consider and mitigate against any adverse impacts upon adjacent local wildlife site at Parsonsgreen Wood;***
- ***Integration of Footpath Graveley 010 as a perimeter feature around the north of the site; and***
- ***Sensitive design and landscaping around northern and western peripheries to minimise impacts upon wider landscape and heritage assets, including the setting of the Scheduled Ancient Monument at Chesfield Church.”***

2.2 **Supplementary Planning Documents**

Sustainability SPD

District Design Code SPD

Vehicle Parking Provision at New Development SPD

Developer Contributions SPD

2.3 **National Planning Policy Framework (August 2026)**

3. Decision-making policies

DM1: Preparing development proposals

DM3: Determining development proposals

DM5: Development viability

DM6: Use of planning conditions and obligations

DM7: Relationship with other regulatory regimes

Sustainable development

4. Achieving sustainable development

S3: Presumption in favour of sustainable development

S4: Principle of development within settlements

5. Meeting the challenge of climate change

CC2: Mitigation of climate change

CC3: Adaptation to climate change

Delivering homes and supporting growth

6. Delivering a sufficient supply of homes

HO7: Meeting the need for homes

HO8: Providing affordable homes

HO13: Build out of residential and strategic sites

Creating high quality, sustainable places

12. Making effective use of land

L3: Achieving appropriate densities

14. Achieving well-designed places

DP3: Key principles for well-designed places

DP4: The design process

15. Promoting sustainable transport

TR3: Locating development in sustainable locations

TR4: Street design, access and parking

TR6: Assessing transport impacts

TR8: Public rights of way

16. Promoting healthy communities

HC3: Community facilities and public service infrastructure serving new development

17. Pollution, public protection and security

P2: Ground conditions

P3: Living conditions and pollution

P5: Maintaining public safety and security

Conserving and enhancing the environment

18. Managing flood risk and coastal change

F4: Assessing flood risk for decision-making

F8: Sustainable drainage systems and watercourses

19. Conserving and enhancing the natural environment

N2: Improving the natural environment

N3: Trees in new development

N6: Areas of particular importance for biodiversity and geodiversity

20. Conserving and enhancing the historic environment

HE5: Assessing effects on heritage assets

2.4 Hertfordshire County Council

Local Transport Plan (LTP4 – adopted May 2018)

2.5 National Planning Practice Guidance

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

3.0 Representations

3.1 Recorded below are only the comments received following the re-consultation on viability information. Otherwise, the comments remain as recorded in the previous committee report. Relevant consultees (service providers who had requested s106 contributions), were re-consulted on the viability information along with the relevant Community and Parish Councils, Ward Cllrs, all neighbours/members of the public who were originally notified of the application and/or had made representations on the application.

3.2 Highway Authority, Hertfordshire County Council

The Highway Authority does not wish to restrict the grant of permission subject to conditions. HCC Highways are satisfied for the application to proceed as per their 27 June 2025 recommendation. Highway Officers contributed to the Growth and Infrastructure Unit's response.

3.3 Senior Ecologist, North Herts Council

Advise that North Herts Council will still require the full BNG monitoring fee as it is a statutory requirement to monitor gains as proposed in the Biodiversity Gain Plan.

3.4 Housing Supply Officer, North Herts Council

Sets out that the affordable housing requirement is 40% but notes that the applicant's submitted viability report suggests that the onsite affordable housing provision would need to be halved/reduced to 20%. Provided comments on housing mix and other matters. No objections to the amended tenure plan and housing mix as set out in the accommodation schedule.

3.5 Growth and Infrastructure Team, Herts County Council

In May 2026 the Growth and Infrastructure Unit (GIU) provided an updated response in relation to this application that included changes to the s106 contributions requested.

In September 2026 the GIU confirmed that HCC can accept the viability reduction for this application. Set out HCC agreed distribution of reduced financial contribution offer post viability. Stated that these will become fixed costs in the legal agreement and HCC will also require a viability review mechanism to be included in the legal agreement which includes HCC services in any uplift paid. Made comments regarding the education contributions and use of the new April 2026 base date.

3.6 Shared Waste Service, North Herts Council

Made the following comments:

“Regarding this planning application we would wish to be satisfied that the refuse collection vehicles can traverse into and out of the estates nose first, that the bin storage provisions are within 10 metres from the nearest point the vehicle can reach and that all properties have ample bin storage provision within their boundary or a set bin store above ground is provided.”

3.7 Sport England

No comments received at the time of writing the report.

3.8 Service Manager Greenspace, North Herts Council

No further comments received at the time of writing the report.

3.9 Stevenage Borough Council

Given the viability argument and the fact North Herts Council have had this independently reviewed, Stevenage Borough Council as neighbouring LPA do not wish to contest this in any way and are grateful for the opportunity to seek financial contributions towards sports provision in Stevenage. Provided comments on how reduced sport contributions could be distributed.

3.10 NHS

No further comments received at the time of writing the report.

3.11 Great Ashby Community Council

Raised objections. Summary copied below:

“GA1 is a Local Plan allocated site intended to deliver substantial housing, including 112 affordable homes. There is an acute need for affordable homes and to reduce this number would place further strain on housing availability for people in need. This site demands contributions to fund infrastructure and offset constraints at the agreed rate to support the development. Reducing the developer’s S106 contributions would leave NHC/HCC/the new unitary authority unable to mitigate the impacts of development, shifting long-term costs onto residents. Any dilution of either the number of affordable homes or the developer’s s106 obligations would therefore directly harm local residents, undermine adopted policy, and set a damaging precedent for future Local Plan and strategic sites. From research we have completed, we view the reasons provided for the viability request are more akin to normal business risk, and we feel it is inappropriate for the public to fund a private venture to enable it to make a profitable return. We feel the developer’s request should be rejected.

If the developer is unwilling to progress the project on the terms agreed with NHC, we respectfully request the whole planning balance is reassessed based on the new position. That is, the proposal is redetermined detailing a 50% reduction in affordable homes and the significant reduction in s106 contributions. Further, we would request that redetermination takes account of the material changes affecting this development from after the date of approval of the application. For example, Great Ashby is now facing the active planning proposal for the GA2 strategic site with proposed road changes affecting traffic to/from the Roundwood site which were not known at the time of the GA1 application; the GA2 application does not seem to mention the new bus service as a certainty but more a wish, which was key to the sustainability of the Roundwood application. Further, the cumulative effect of both developments will be better able to be assessed now that the GA2 application has been submitted, as this was unable to be considered at the time of the GA1 Roundwood application.”

3.12 Weston Parish Council

Raised objections. Copied below:

“Weston Parish Council strongly opposes the applicant’s request to halve both the proportion of affordable housing and the Section 106 contribution.

The applicant’s request to reduce affordable housing and Section 106 contributions relies heavily upon the assertion that property prices have fallen by approximately 3.7%. This is contrary to the anecdotal experience of members of Weston Parish Council and to the very thorough review undertaken by NHC’s own independent

viability consultant, Dixon Searle Partnership (DSP), which concluded that prices in the immediate area have, in fact, risen by 2–2.5% over the same (or a similar) period.

Furthermore, the requirement to provide 40% affordable housing was a policy of which the developer was fully aware before submitting the application, and it is highly improbable that the Section 106 contribution falls outside the range that an experienced housebuilder such as Croudace Homes would have anticipated from the outset. Yet these are the only elements for which the viability report seeks reductions, with no suggestions whatsoever as to what cost savings or margin reductions the developer could make. Council also notes that reducing the percentage of affordable housing is contrary to the stated policy of the current Government that social housing needs to increase.

Adapting to changing economic circumstances is something that all businesses must do continually. As a business with an annual turnover in excess of £200 million, and whose website states that it has been "building new housing developments in southeast England since 1946", Croudace Homes will have been better equipped than most to factor market movements into its plans from the outset.

In conclusion, Weston Parish Council agrees with the Council's own consultants DSP that this application is without merit. If Croudace Homes no longer believe the plan they submitted just 12 months ago to be economically viable, the solution is to revisit the entirety of their proposal or to withdraw from the site entirely. If Croudace Homes do not wish to proceed with the development, we are sure that another developer will."

3.13 Graveley Parish Council

No further comments received at the time of writing the report.

3.14 Local Councillors

Cllr Vijaiya Poopalasingham, Great Ashby Ward Councillor, raised objections to viability and affordable housing reduction and concluded as follows:

"I therefore object to the proposed reduction in affordable housing from 40% to 20% and to planning permission for this site.

The applicant has not demonstrated, on the basis of the independent viability evidence, that 20% represents the appropriate level of affordable housing that this development can reasonably support.

The DSP review identifies:

- potentially cautious market value assumptions;***
- an applicant appraisal which appears to overstate the deterioration in viability;***
- significant residual value remaining within the proposed 20% scenario;***
- a £1.65m surplus against the applicant's own benchmark land value under DSP's adjusted appraisal; and***
- further scope for additional affordable housing and/or S.106 contributions.***

In my view, it would be wrong for the Council to accept a loss of 56 affordable homes on the basis of a viability position which its own independent consultant has identified as overstating the negative movement in the scheme's finances.

The Council has a responsibility to defend the provision of affordable housing and to secure the best possible planning outcome for existing and future residents. That responsibility should take precedence over accommodating the commercial interests or preferred return of the developer. It is also not the responsibility of the Council to bear the commercial risks inherent in property development which is what the applicant is attempting to do here by reducing the provision of affordable housing.

This is particularly important in a high-value housing market such as Great Ashby, where a three bedroom semi-detached home can have a base sale price of around £400,000. The benefits of development must be shared with the community, and the Council should not allow the affordability crisis facing local residents to be compounded by unnecessarily reducing affordable housing on a valuable development site.

I therefore recommend refusal of planning permission unless and until the applicant can demonstrate, through robust and independently verified viability evidence, that an appropriate level of affordable housing and the necessary S.106 contributions can be secured.

At the very least, I would expect the Council to continue negotiations with the applicant with the clear objective of securing substantially more than the proposed 20% affordable housing provision."

Cllr Laura Williams, Great Ashby Ward Councillor, raised the following objections:

"I am opposed to any reduction in social housing allocation at GA1.

I am also opposed to reductions in S106 funding. All of the road and access improvements were clearly known at the time of application. The developer (Croudace) stated at the GA community council in Feb 2025 that their own modelling on traffic weight when Mendip Way was originally built by them in 2007 was wrong, underestimating traffic and parking volume and leading to some of the pressures we now see. "Monitor and Manage" was never going to be an effective strategy for dealing with the traffic issues GA1, both during construction and once built, so the S106 budget cannot be cut. There are significant problems already and these will only increase. I was appalled to hear the planning committee suggest the GA1 access/parking problem as "something theoretical that might never happen", when the problem is already the lived experience of current residents.

I continue to object to GA1 purely on the grounds of access. The landowner and developer needed to future proof access in 2007."

3.15 Local Residents

Over 240 representations from members of the public have been received following the initial consultation, the re-consultation on amended and additional plans and documents in 2025 and following the re-consultation on viability information (the applicants' viability report and the Dixon Searle Partnership's independent review of applicant submitted viability position). Only two are supporting. The representations made are available to be viewed in full on the Council's website.

Where a further written response has not been submitted, any comments previously received in relation to the application still stand and will continue to be taken into account.

Five representations have been received from neighbours/members of the public in relation to the viability information. These reiterated the issues raised previously and reported in the previous committee report and raised the following additional points:

Key concerns

- Request look into what the local residents' concerns are regarding this, they all follow a theme of road safety, overcrowding and the spoiling of green land near their homes and also negative impact on existing communities of Great Ashby and surrounding villages.

Cumulative impact on infrastructure

- Cumulative impact of GA1 and GA2 on infrastructure.
- Cumulative impact of developments being built along Gresley Way (Hazel Park), North Road (Forster Park), the Nexus (264-apartments) and other areas (East Herts, North Herts and SBC) on Stevenage's resources, with no additional resources for dental or medical services.

Information submitted

- Documentation remains outstanding.
- There remains no evidence of a s106 Agreement.
- Question over traffic monitoring that has taken place,
- The data used throughout the application is old, inaccurate and out of date, in particular in relation to transport, car ownership, accident data and wildlife.

Highways and sustainable transport matters

- Any monitoring must be undertaken independently and must occur before construction begins.
- Severe under provision of parking and displacement of vehicles. The proposals will exacerbate the already severe parking shortages within Great Ashby, increase congestion, and create unsafe conditions for residents. Furthermore, the temporary and permanent changes to access routes will place vulnerable users, schoolchildren, and emergency services at significant risk. With reduced s106 contributions, the Monitor and Manage approach is more likely to have insufficient funds to make any changes should they be required.
- No mention in the application of Barclays Academy School being the closest to the GA1 site. No safe way so cycle to any of the senior schools mentioned in the planning application. Bus service is very unreliable.

- As from end of August 2026 the SB7 bus service will provide a greatly reduced service for those residents of Great Ashby, with the frequency reduced to every 45 minutes on weekdays, and some early morning and late evening services withdrawn completely. Question whether the proposed extended bus service for GA1 and GA2 will be delivered.

Reduction in s106 contributions

- Reduction of the s106 contributions would lead to an unsustainable structure long term, including that of the 'management and monitor' proposals.

Affordable housing

- Reduction in affordable housing by half to 20% fails to comply with HS1, HS2, HS3 and GA1 Local Plan Policies.
- If this Planning Application for GA1 (or GA2) were to be accepted by the Council, North Herts Council would clearly be putting the profit of the developer in front of the much-needed Affordable Housing for the 2,500 households registered on the North Herts Council Housing Register.

Bus/refuse lorry access

- Note the HCC response with regards to a bus or refuse lorry will not fit on the rerouted Mendip Way, making for a requirement of smaller vehicles and added expense and an increase in costs. With additional vehicles having to be used, this will increase air pollution and dust from the roads, therefore breach in the Hertfordshire Health & Wellbeing Strategy 2022-2026.

One representation was received from a member of the public in September 2025 making comments regarding the Planning Committee on 24th July 2025.

4.0 Planning Considerations

Site and Surroundings

- 4.1 The site is currently a rectangular arable field (approximately 10.7 Ha) situated to the northwest of the existing Great Ashby residential development. The site is bounded to the south and east by Back Lane and beyond Back Lane to the south and east are residential properties within the existing Great Ashby development.
- 4.2 The site falls within the parish of Graveley in North Hertfordshire but is adjacent to the parish of Great Ashby in North Hertfordshire to the east. The boundary with Stevenage Borough runs along Back Lane just outside the southern boundary of the site.
- 4.3 A Public Right of Way (Graveley Footpath 010) runs immediately parallel with the northern boundary of the site within a developing area of woodland plantation. Beyond this to the north is farmland. An area of woodland called Round Wood abuts the site's western boundary. Beyond Round Wood is an area of mixed farmland, paddock and parkland with the hamlet of Chesfield beyond.

- 4.4 Along the eastern boundary of the site is Back Lane which is also known as Weston Road, and this leads to Weston. From the southern boundary Back Lane leads to Chesfield where it becomes Church Lane and continues to Graveley village. Back Lane is connected to the existing Great Ashby residential development via Calder Way to the south of the site.
- 4.5 There are hedgerows and trees along most of the boundary of the site.
- 4.6 The site was within the Green Belt, however with the publication of the Local Plan in November 2022 it was removed from the Green Belt and is a local housing allocation site.

Proposal

- 4.7 The application is a full application for residential development of 281 dwellings (including 20% affordable housing) and associated roads, parking, realignment of Back Lane, drainage, landscaping, open space, servicing facilities and associated works.
- 4.8 The proposal would involve the realignment of Back Lane through the site. 185 dwellings would be accessed off the extended Haybluff Drive and 96 dwellings would be accessed off the rerouted Back Lane, which would connect to Great Ashby via Calder Way. There would be no vehicular connection between the two parts of the site other than for emergency access. The existing Back Lane to the south of the new junction with Haybluff Drive and to the east of the junction with Calder Way will be closed to vehicular traffic. The pedestrian and cycle links to Botany Bay Lane and Orwell Avenue would be strengthened.
- 4.9 The proposal would include the provision of Sustainable Drainage Systems (SuDS) and other associated infrastructure including swales and mitigation basins. The proposals include open space, the key feature being a linear park that is proposed running north to south in the centre of the site. This would link to the open space containing the drainage basins in the southern area of the site.
- 4.10 In addition to the plans, the application is supported by the following documents:
- Acoustics Assessment
 - Air Quality Assessment
 - Archaeological Trial Trenching
 - Biodiversity Metric Calculation Tool
 - Biodiversity Metric Condition Assessments
 - Botanical Survey of Round Wood
 - Design and Access Statement
 - Desk Study, Preliminary Site Investigation and Risk Assessment report
 - Ecological Impact Assessment
 - Energy and Sustainability Statement
 - Flood Risk Assessment
 - Heritage Statement
 - Planning Statement
 - Transport Assessment
 - Travel Plan
 - Tree Survey and Arboricultural Impact Assessment including existing site plan and proposed site plan

- Transport Technical Note – Monitor and Manage
 - Open Space Maintenance Contract Outline Provisions
 - Drainage consultant's responses to LLFA consultation comments
- 4.11 The following two further documents have been submitted by the applicant following the Planning Committee in July 2025.
- Viability report, April 2026
 - Applicant's note on new National Planning Policy Framework, September 2026
- 4.12 The only changes to the proposed scheme relate to affordable housing and developer contributions. All other sections of the previous report (link below) remain relevant and will not be repeated here.

Background papers

- Officer's committee report to Planning Control Committee 24 July 2025:
https://documentportal.north-herts.gov.uk/PublicAccess_LIVE/Document/ViewDocument?id=2929ADAF41C14F1A80CB2EC5F03C4CCD
- Officers written update for Planning Control Committee 24 July 2025:
https://documentportal.north-herts.gov.uk/PublicAccess_LIVE/Document/ViewDocument?id=2929ADAF41C14F1A80CB2EC5F03C4CCE
- Printed minutes of Planning Control Committee 24 July 2025:
<https://democracy.north-herts.gov.uk/documents/g3763/Printed%20minutes%2024th-Jul-2025%2019.00%20Planning%20Control%20Committee.pdf?T=1>
- Printed decisions of Planning Control Committee 24 July 2025:
<https://democracy.north-herts.gov.uk/documents/g3763/Decisions%2024th-Jul-2025%2019.00%20Planning%20Control%20Committee.pdf?T=2>

Environmental Impact Assessment

- 4.13 In 2022 a scoping opinion request was made to the Local Planning Authority for the development under consideration. The Council's response provided in April 2023 confirmed that in considering the relevant matters, it is the Council's opinion that the proposed development is not 'EIA development' within the meaning of the Town and Country Planning Environmental Impact Assessment) Regulations 2017 (as amended).

Key Issues

- 4.14 Planning permission has not been granted for this proposed development, as the legal agreement (s106 Agreement) has not been completed. This application was referred to Planning Control Committee on 24th July 2025 and the Committee resolved that the application be granted planning permission subject to the completion of a satisfactory legal agreement, providing delegated powers to the Development and Conservation Manager

to resolve any outstanding matters (including management and maintenance of the open space) and the applicant agreeing to extend the statutory period in order to complete the agreement if required; providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required; and conditions and informatives.

- 4.15 S106 negotiations were progressing, however in February 2026 the applicant requested work ceased on the s106 Agreement as they were to submit a viability assessment.

Other material considerations

- 4.16 There have been some changes in policy and circumstances since the previous resolution by Planning Control Committee which are material considerations.

Five-year land supply position

- 4.17 As set out in the Council's most recent Housing Land Supply Update (November 2025), the total requirement for housing delivery in the district from 1 April 2025 to 31 March 2030 is 3,629 dwellings. The Council therefore can only demonstrate a five-year land position of 2.6 years against our objectively assessed housing need of 1,120 homes per annum, annual shortfall and 5% buffer. This figure falls below the five-year figure as required in the NPPF. The Council's five-year housing land supply position statement - November 2025 is available to view on the Council's website.
- 4.18 This position is worse than when this application was considered at Planning Control committee in July 2025. At that point in time the Council could only demonstrate a five-year land position of 3.9 years against our adopted housing requirement.

National Planning Policy Framework (NPPF)

- 4.19 The committee report for this item published in July 2025 referred to the National Planning Policy Framework (NPPF) from December 2024. The Government published a new NPPF on the 17th of August 2026, which replaces the December 2024 version.
- 4.20 The August 2026 NPPF is structured differently compared to the previous December 2024 version. Numbered paragraphs have been replaced by individual policies, which are separated into 'Plan-making policies' and 'National decision-making policies'. The National decision-making policies are to be used in determining planning applications.
- 4.21 Paragraph 3 confirms: ***"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The national decision making policies in this Framework are a material consideration in making these decisions and should be read alongside the policies in the development plan..."*** There are no transitional arrangements and the new NPPF must be applied as a material consideration.
- 4.22 The applicant has provided a note on the new National Planning Policy Framework, which summarises the key changes to national policy arising from the new NPPF as affect this application in the view of Croudace Homes (the applicant), which can be viewed on the Council's website and concludes as follows:

“In conclusion, in Croudace’s view the revised NPPF has recast some of the policies which affect this site, but not in such a way as to suggest that a different outcome should be recommended to that when the scheme was previously presented to committee in July 2025 under the old NPPF. Moreover, the emphasis on speed of review of local plans, the approach to viability, and the policy to encourage permissions to be developed without delay would all seem to reinforce the position that development of allocated housing sites such as this is to be supported.”

4.23 Under the December 2024 NPPF, the presumption in favour of development operated through paragraph 11. Because the Council cannot demonstrate a five-year housing land supply, the tilted balance was engaged and the report recommended approval on the basis that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

4.24 Paragraph 11 no longer exists, and the presumption is now set out in Policies S3 to S6 of the new NPPF. In the case of this application its location is within the settlement of Great Ashby, because when the North Herts Local Plan was adopted in 2022 the site was removed from the Green Belt and incorporated into the settlement. The site remains undeveloped, but in planning terms the site is within the settlement as it is not Green Belt (or Rural Area Beyond the Green Belt). Therefore, Policy S4 applies.

4.25 *Policy S4: Principle of development within settlements* is summarised as follows:

‘In applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:

a) Have a substantial adverse impact in relation to:

i. The allocation or safeguarding of land or buildings for particular uses in the development plan...; or

ii. The application of the policies in this Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d))...

b) Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage...’

4.26 It is considered that none of the ***“substantial adverse impacts”*** set out in S4 of the NPPF applies, so the scheme ***“should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects”*** in accordance with the NPPF 2026.

4.27 The benefits identified within the July 2025 committee report are unaffected by the new Framework and are reinforced by *Policy HO7: Meeting the need for homes*, which requires substantial weight be given to the benefits of providing homes which will contribute

towards meeting the evidenced accommodation needs of the community and by *Policy HO13: Build out of residential and strategic sites* which states that to significantly boost the supply of homes, it is important that land with permission is developed without unnecessary delay.

- 4.28 The substance of the national policy referenced elsewhere within the officer report from July 2025 is carried forward into the new Framework. The principal references are updated as follows / The table below sets out the paragraph numbers in the previous NPPF (2024) and the policies in the current NPPF (2026), which effectively replace them.

Subject	NPPF (December 2024)	NPPF (August 2026)
Development viability	Paragraph 59	DM5
Presumption in favour of sustainable development	Paragraph 11	Policies S3, S4
Weight given to new homes	Paragraph 61	Policy HO7
Affordable Housing	Paragraph 63-66	Policy HO8
Landscape Impact	Paragraph 135, 187	Policies DP3, N2
Heritage Assets	Paragraphs 210-215	Policies HE4, HE5, HE6
Highways and Access	Paragraphs 110, 115-118	Policies TR3, TR4, TR6, TR8
Neighbouring Amenity	Paragraphs 135, 198	Policies DP3, P3
Design and Layout	Paragraphs 131, 135	Policies DP3, TR4
Flood Risk and Drainage	Paragraphs 181, 182, 187	Policies F4, F8
Ecology and Biodiversity	Section 15	Section 19
Impact on Trees	Section 15	Section 19
Open Space Provision	Section 8	Section 16
Loss of Agricultural Land	Paragraph 187	Policy N2
Climate Change and Sustainability	Paragraph 8	Sections 5 and 17
Planning Obligations and Conditions	Paragraphs 56-59	Policy DM6

- 4.29 The August 2026 Framework applies to this decision. It changes the policy references used in the committee report but does not change the outcome of the assessment.

- 4.30 The proposal falls within a category of development which Policy S4 states: ***“should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this framework”.***

Supplementary Planning Documents

- 4.31 The District Design Code SPD was adopted in June 2026. It would not be reasonable to require the applicant to redesign the scheme in light of this. In any case the application went through rigorous collaborative design process with the NHC Project Team, and it is considered the scheme represents good design.
- 4.32 The Developer Contributions SPD was adopted in June 2026. It is considered that the application complies with this SPD, as it did with the previous one.

Updated Growth and Infrastructure response

- 4.33 In May 2026 the Growth and Infrastructure Unit provided an updated response in relation to this application. The key change was that the primary education contribution was reduced as a one form entry school is now required on the GA2 site rather than a two-form entry primary school. The GIU response included the following comments in their response:

“Level of Provision

Provision of land for an on-site primary school with a nursery class is situated on Development GA2 (25/03080/HYA). Based on impact likely to arise from the quantum of housing detailed above, the 281 homes will require 0.7FE of mitigation based on the strategic planning ratios. This development is considered cumulatively with GA2 for 640 dwellings). HCC is seeking the delivery of a new 1FE primary school on GA2 with a land area of 1.15ha. This will be funded proportionally between the two sites.

Therefore the total dwellings being 921 meaning GA1 (this development of 281units) is responsible for 30.5% of the costs, with GA2 responsible for the remaining 69.5%.

Transport to school

It is likely that the new development will yield new children before the county council delivers the new school provision. It is also understood that a 1FE school will not mitigate the full pupil yield arising from these developments, therefore pupils will be travelling to other existing schools as a day to day position. It would therefore be useful to understand and have clarification on the sustainable links both to GA2 and to existing school provisions from the site. This will need to include where any necessary links are to be and when they are proposed to be delivered.”

- 4.34 Given there was a committee resolution to grant planning permission in July 2025, is considered that it would not be reasonable to seek further clarification on the sustainable links both to GA2 and to existing school provisions from the site at this late stage.
- 4.35 However, this will be taken into account by the Highways Authority when the Strand 2 sustainable transport contributions are allocated.

- 4.36 There were some other changes to the amounts of requested contributions and the addition of a Fire and Rescue contribution. The full response can be viewed on the Council's website.

Current application for GA2 – Land North-East of Great Ashby, Stevenage, Hertfordshire

- 4.37 Another material consideration is that a planning application was submitted for the GA2 development (25/03050/HYA) in January 2026. The description of development is as follows:

Hybrid application for a residential-led development comprising residential (Use Class C3), educational use (Use Class F1), a community hub (Use Class F2/ Use Class E) with associated new internal roads, access, parking, cycling infrastructure, landscaping and other associated infrastructure.

Full application comprises the construction of vehicle access and an active travel link via Mendip Way, with associated landscaping and drainage works.

The outline application, for which all matters are reserved except means of access, comprises the erection of up to 640 dwellings (Use Class C3), a site for a primary school, further land reserved for educational use (Use Class F1), a site for a community hub (Use Class F2/ Use Class E), with associated infrastructure.

(As amended).

- 4.38 The concerns from Great Ashby Community Council and local District Councillors that the Transport Assessment for this application at GA1 did not take this into account are noted. However, the Highway Authority raise no objections, and it would not be reasonable to ask the applicant to revise their Transport Assessment at this stage. When the application for GA1 was considered the GA2 allocation was taken into account by officers. Also, the Transport Assessment for the GA2 development does take into account the GA1 development as there was a live application on the site when the application for GA2 was submitted. Further delays could mean the scheme is even less viable and there is a dire need to deliver housing in the district.

Bus service

- 4.39 It is noted from representations received that there have been some recent reductions to the existing bus service. The Intalink website states the following in its summary of the forthcoming changes to local bus services in Hertfordshire (although these will have been implemented on 1st September 2026).

“SB7 Stevenage to Great Ashby

Arriva

Revised timetable. Mondays to Saturdays service frequency reduced to operate every 45 minutes. Some early morning and late evening journeys have been withdrawn.

From 30.08.26.”

- 4.40 This is a material consideration that the Highway Authority are aware of and have taken into account.

Conclusion other material considerations

- 4.41 There are no changes to any of the other factors considered when the application was previously referred to Planning Committee in July 2025, the only issue now being considered is viability.

Principle of development and housing delivery

- 4.42 *Policy SP3: Presumption in favour of sustainable development* of the NPPF advises that:

“In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.”

- 4.43 The development plan constitutes the adopted Local Plan, any ‘made’ neighbourhood plans and the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012. Graveley, Weston and Great Ashby Parishes do not have neighbourhood planning areas designated or neighbourhood plans in preparation.

- 4.44 *Local Plan Policy SP1: Sustainable development in the North Hertfordshire* is the backbone for considering proposals. It requires the main role of key settlements within and adjoining the district, such as Stevenage to be the main focus for new development. Proposals should ***“deliver an appropriate mix of homes, jobs and facilities that contribute towards the targets and aspirations of this Plan”, “provide the necessary infrastructure...”, “protect [the] environment”, and “secure any necessary mitigation measures that reduce the impact of development...”***

- 4.45 *Local Plan Policy SP2: Settlement Hierarchy and Spatial Distribution* identifies a significant housing need in the district which for Stevenage (including Great Ashby) equates to at least 1,705 new homes (total allocated, completed and permitted at 2022) over the plan period.

- 4.46 There is no objection in principle to the proposed development, as it is within an allocated site in the Council’s Local Plan (North Hertfordshire District Local Plan 2011 – 2031) which was adopted on 8th November 2022.

- 4.47 As this is an allocated Local Plan housing site, according to NPPF Policy S4, any adverse effects of the proposed development would need to substantially outweigh the benefits for planning permission to be withheld.

- 4.48 The Council is currently unable to demonstrate a 5-year housing land supply which needs to be taken into account in the planning balance

Viability

- 4.49 *Local Plan Policy HS2: Affordable housing* reads as follows:

***“Planning permission for new homes will be granted provided that:
a) Affordable housing is***

i. provided in accordance with the following targets subject to viability:..."

- 4.50 And Section (f) of Local Plan Policy SP7: Infrastructure requirements and developer contributions states:

"The Council will require development proposals to make provision for infrastructure that is necessary in order to accommodate additional demands resulting from the development. We will:

...(f) Need robust evidence to be provided where developers consider that viability issues impact upon the delivery of key infrastructure and/or mitigation measures. This evidence will be used to determine whether an appropriate and acceptable level of contribution and / or mitigation can be secured."

- 4.51 NPPF Policy DM5: Development viability reads as follows:

- 1. "Where development proposals accord with relevant up-to-date plan policies and national decision-making policies, they should be assumed to be viable. Relevant policies in this context are those that relate to the contributions expected from development.*
- 2. There may be circumstances in which a viability assessment demonstrates that it would not be possible for development to proceed on a policy compliant basis. In such circumstances, the submission of a viability assessment as part of a development proposal may be justified to ensure that the proposed development makes the maximum possible contribution to affordable housing and other infrastructure. Such circumstances may include where:*
 - a. The development proposed is materially different to any development type considered in the viability assessment that informed the development plan;*
 - b. The site characteristics are materially different to those considered in the viability assessment that informed the development plan;*
 - c. The development is demonstrably burdened by costs which were not taken into account in the viability assessment that informed the development plan; and/or*
 - d. Site or economic circumstances have changed significantly since the viability assessment that informed the development plan was prepared.*
- 3. Neither the price paid for land, nor the price intended to be paid through an option agreement, should be a justification for failing to accord with relevant policies in the plan.*
- 4. Where a viability assessment is submitted with a development proposal, this should be based upon and refer back to the viability assessment(s) that informed the relevant development plan policies. It should fully evidence all inputs and assumptions used in the assessment and explain any differences from those used for viability assessment that informed the relevant plan policies. All viability assessments should reflect the recommended approach in planning practice guidance, including the standardised inputs, and should be made publicly available.*

5. It is a matter for the decision-maker, having regard to the circumstances under which the viability assessment is submitted, to assess the weight to be given to a viability assessment.”

- 4.52 As such, the national and local policies require the Local Planning Authority to consider the submitted viability assessment in relation to this application.
- 4.53 In their note on the new NPPF, the applicant states:
- “Policy DM5 highlights that proposals which accord with an up-to-date Local Plan should be assumed to be viable but does allow for certain circumstances where it may be necessary to revisit matters of viability, including that the site is burdened by costs not factored into the viability assessment that informed the development plan or where there has been a significant change in economic circumstances. Croudace maintains that such circumstances do apply here, with the economic situation now being significantly different to that at the time the Local Plan was adopted, as evidenced in our submitted viability report.”**
- 4.54 It is acknowledged that this application has a committee resolution to grant planning permission. However, the s106 Agreement has not been completed and so the application has not been determined. Viability matters can be considered at any point before an application has been determined and given the proposed changes to affordable housing provision and s106 contributions the application needs to be referred back to Planning Committee for a decision.
- 4.55 The applicant has submitted a viability report, and this has been independently reviewed by Dixon Searle Partnership (DSP). The applicant's viability report and Dixon Searle Partnership's review of applicant submitted viability position are available to view on the Council's website.
- 4.56 Officers have calculated that the total contributions agreed in July 2025 would have equated to approx. £10,859,003 (if indexed in April 2026) which would have represented approx. £38,644 per unit.
- 4.57 The applicant's viability report sets out the applicant's proposal for a viable scheme which is a reduction in affordable housing by half to 20% and a reduction s106 contributions to £5,369,385 (approx. £20,000 per/unit).
- 4.58 The applicant is generally content to leave it as noted that some differences of opinion remain (with the DSP report) if officers are willing to fix a position on the viable level of s106 contributions and affordable in line with the DSP review. The applicant has proposed 20% affordable housing and a s106 contribution figure of £8,628,619, representing £30,707 per home (all-inclusive of up-to-date indexation).
- 4.59 Following discussion with DSP, the Planning Officers consider that this is a fair and reasonable compromise, with the applicant having shown a positive approach to seeking to reach agreement further on this. North Herts Council Planning Officers agree with the calculation of a proposed s106 contribution figure of £8,628,619 as being an accurate way of calculating the viable Section 106 pot based on the DSP review. As such the total pot of money available for s106 contributions is £8,628,619.

4.60 In order to secure an appropriate level of financial contributions to mitigate the impact of the scheme it is necessary to accept the lower level of affordable housing provision on the site, at 20%. Alongside this there have been some compromises on contributions, which are discussed in detail below.

4.61 As a result of the high degree of potential change in viability because of changes in the estimated build costs, housing mix, and dwelling values, it was considered that a viability review mechanism is required together with a 'late stage review' to capture uplift in viability headroom as a result of greater certainty in these factors moving forwards. This aligns to the supporting text of viability in the Local Plan under policy HS2, and the further details provided in the Viability Review Mechanism section of the Developer Contributions SPD, which says:

"2.4.1 The Council will use a viability review mechanism where obligations or covenants are agreed at lower than policy compliant levels on viability grounds. A viability review mechanism can trigger a review of the originally agreed contributions where there is an improvement in viability and/or broader economic conditions since the original viability appraisal was undertaken."

2.4.2 A viability review mechanism should be used for multi-phased or long-term development schemes. Viability review mechanisms may also be appropriate whereby there are large scale, estimates or bespoke costs which may be subject to change or further surety upon investigation. The trigger point(s) for review will be set out at application stage and be relevant to the reason for the inclusion of the viability review mechanism. Further developer contributions will only be required if a surplus is identified during the review over and above the returns necessary to be deemed viable."

2.4.3 In cases where viability has improved, any surplus will be shared on a 60:40 basis between the local authority and the developer. This split reflects established practice and recognises that developers' target returns will have been secured through the initial agreement, while also enabling the local authority to capture uplift towards addressing policy-compliant contributions."

2.4.4 The applicant will be expected to pay for the full cost of a viability appraisal required by a viability review mechanism. The appraisal should meet the requirements set out above. The viability review mechanism would be included in the S106 agreement, and will, as is necessary, be bespoke based on the facts of the case and reasons for its inclusion in the first place."

4.62 The applicant previously did not support the inclusion of a viability review mechanism and within their viability report has submitted information by way of rationale and justification for not including the Mechanism in the heads of terms copied below:

"We see Roundwood as a single phased site, especially given that it is a detailed application. The case for review mechanisms is more straightforward for a larger site with an outline consent and subsequent phases of reserved matters, where there are clearer stages that can be linked to sensible points for review. We're also aware that viability reviews are sometimes based on increased revenues over expectations, which may be relatively simple data to collect, but would not be appropriate in the current market where the build cost inflation is often outpacing"

sales growth. At the moment therefore, even where we see sales revenues increases, we nevertheless still get further reductions in land value and developer's return as a result of even higher build costs.

Any review would therefore have to consider changes to both build costs and sales growth, making for a much more complicated process to agree any changes. We would not be willing to accept any restrictions that would need us to replan the numbers of affordable houses, which will need to be under contract with a housing association around the time that development is commenced. Nor could we accept any restrictions on occupations on dwellings whilst viability is being reconsidered – the commercial risk to us of having finished houses we can't sell is very significant.

4.63 ***That being the case, whilst we acknowledge that your SPD policy is to consider whether a viability review mechanism is necessary, we do not believe one is appropriate or workable in the circumstances of Roundwood."***

4.64 Officers were not convinced by the argument presented by that applicant that a review mechanism is not suitable, and the DSP review provided the following advice:

"If a reduction in AH provision and/or S106 contributions (from previous) is agreed, the Council may wish to consider putting a review mechanism in place to enable a revisit of the viability at a later stage. Small changes in assumptions can have a significant impact as seen through the appraisal. This can be seen from the applicant's own submission which, as presented, suggests that over the past year there has been a greatly significant swing in the scheme's finances such that it has moved so far away from being able to support a full policy compliant level of AH and S106 contributions. In our view, this presented relativity is not representative – it appears to have had the effect of overstating the negative swing in supportable outcomes."

4.65 Hertfordshire County Council also require a viability review mechanism and have requested that the viability review also considers the amounts at the April 2026 base date.

4.66 This matter has been discussed with the applicant and at the time of writing this report it has been agreed with the applicant that a viability review mechanism will be built into the legal agreement with a late-stage review.

4.67 This will ensure that if any circumstances of the viability appraisal change over the course of building the development an uplift would be captured and split between contributions to off-site affordable housing and infrastructure contributions including HCC Services. The applicant has confirmed that they would not be able to change the number of affordable homes provided on site as part of this review, as the contracts for the affordable housing will be entered into prior to commencement.

4.68 Whilst all applications are determined on their own merits, another material consideration is the appeal decision for application ref. 21/01882/FP for residential development of 42 dwellings at Land East Rhee Spring and Orwell View, Royston Road, Baldock where the appeal was allowed in May 2025 following a Planning Control Committee refusal contrary to officer recommendation. The appeal decision can be viewed online, but it is worth noting that the Inspector took into account the Council's five-year housing land supply position

(which at that time was 3.9 years of housing land supply) and the Inspector afforded the delivery of market housing (40 units) significant weight and afforded the delivery of two affordable housing units (5%) moderate weight in this instance. The inspector concluded that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits.

Conclusion on viability

- 4.69 Following independent review of the viability assessment and further negotiations, the applicant has proposed 20% affordable housing and a s106 contribution figure of £8,628,619, representing £30,707 per home (all-inclusive of indexation). The NPPF DM5(5) states ***“It is a matter for the decision-maker, having regard to the circumstances under which the viability assessment is submitted, to assess the weight to be given to a viability assessment”***. The North Herts Council Planning Officers considers that the viability review does have weight and that this is a fair and reasonable compromise, meaning that Heads of Terms should be reviewed.

The delivery of market and affordable housing

Five-year supply

- 4.70 As set out above the Council cannot demonstrate a five-year land supply. Making timely decisions helps mitigate risk that Council's five-year land position worsens. This proposed development will assist the Council in achieving our target of housing delivery within the Local Plan period. The application is for full planning permission, resulting in a quicker delivery trajectory than an outline planning permission.

Housing numbers

- 4.71 The Planning Statement sets out that in order to provide appropriate levels of open space and land to allow for a full 10% Biodiversity Net Gain on site the proposed development would provide a total of 281 residential units. This represents a decrease of the allocation figure of 330 homes of approximately 15%. The Plan states there will be a design-led approach to development. No prescriptive density targets are set. If this scheme is considered acceptable in all other respects, it is not considered appropriate to object on this point.

Housing mix

- 4.72 The overall housing mix remains unchanged. The dwelling mix would include 43% smaller units (121 dwellings) and 57% larger units (160 dwellings) which adequately complies with the requirements of *Policy HS3: Housing mix* of the Local Plan, which suggests a split of 40% smaller units and 60% larger units on edge-of-settlement sites.
- 4.73 The applicant has submitted an accommodation schedule for private and affordable housing, which can be viewed on the Council's website.

Affordable Housing

- 4.74 There is a pressing need for affordable housing and *Policy HS2: Affordable Housing* of the Local Plan requires 40% affordable housing on sites over 25 units to address that need. The proposal would deliver 281 dwellings, 20% of which would be affordable (56 dwellings). 65% of the affordable housing would be rented tenure and 35% would be intermediate tenure.
- 4.75 Local Plan Policy HS2 requires certain levels of affordable housing to be delivered on development sites in relation to the size of the site. This site is required to deliver 40% affordable housing, which is split at 65% rented and 35% other tenures, and the housing mix to reflect the needs of the housing register. Policy HS2 part a) i recognises that these targets are “*subject to viability*”. Affordable housing provision is to be secured by legal agreement.
- 4.76 The applicant recognises that affordable housing needs to be delivered on site and proposes 20% of housing on site to be affordable. The applicant submitted a viability appraisal which has been independently assessed. Through an examination of the viability appraisal and detailed negotiations on S106 contributions, the applicant has agreed to a level of 20% affordable housing with a policy compliant mix of tenures (65% affordable rent and 35% shared ownership) along with a package of contributions, which is set out in the following sections of this report.
- 4.77 The Housing Supply Officer has been consulted and has agreed the proposed mix and provided the following comments:

“The affordable housing requirement is 40% on sites which will provide 25 dwellings and above, in accordance with the Local Plan. Within the overall 40% affordable housing requirement a 65%/35% rented/ other affordable housing tenure split is required, in accordance with the Local Plan and the Council’s Developer Contributions SPD and the 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update.

The applicant’s submitted viability report suggests that the onsite affordable housing provision would need to be halved/ reduced to 20%. Based on 281 dwellings and 20% affordable housing overall would equate to 56 affordable dwellings.

On a 65% rented/ 35% affordable home ownership (AHO) split this would equate to 36 rented/ 20 AHO.

The 2023 SHMA indicates a higher need for larger family accommodation for rent at 62% and 38% one and two bed flats and houses. For affordable home ownership there is a higher need for one and two bed flats and houses at 80%, with 20% for three bed houses only.

The 2023 North Herts and Stevenage SHMA update has been adopted and identifies a different tenure mix for both rented and affordable home ownership tenures to that of the 2016 SHMA. The affordable housing requirements for this site were

primarily based on the 2016 SHMA. Following further discussions/ negotiation an affordable housing mix was agreed which is reflected in the s106 agreement.

Within the 65% rented affordable housing element the following tenure mix best meets housing needs, as identified in the 2016 SHMA:

*36 x 21% x 1 bed flats (8)
36 x 12% x 2 bed flats (4)
36 x 26% x 2 bed houses (9)
36 x 35% x 3 bed houses (13)
36 x 6% x 4+ bed houses. (2)*

Within the 35% intermediate affordable housing element the following tenure mix best meets housing needs as identified in the 2016 SHMA:

*20 x 8% x 1 bed flats (2)
20 x 8% x 2 bed flats (2)
20 x 20% x 2 bed houses (4)
20 x 54% x 3 bed houses (10)
20 x 10% x 4+ bed houses (2)*

The agreed mix was based on the provision of a 40% policy compliant scheme and included a greater number of flats. Based on 20% affordable housing provision overall, I note and accept the applicant's comments/ explanation as to why the 2016 SHMA mix cannot be delivered, particularly working with the approved layout.

The number of flats has been halved with some of the flat blocks now given over to market housing. This makes sense as neither the developer nor registered providers are keen on mixed tenure blocks.

There are still a good supply of two-bedroom family housing and the retention of all the four-bedroom homes including the M4(3) wheelchair accessible homes is welcomed.

Following submission of a viability assessment and 20% affordable housing provision has resulted in a revised mix as follows:

Rented:

*33% x 1 bed flats (12)
42% x 2 bed flats (15)
5.5% x 2 bed houses (2)
5.5% x 3 bed houses (2)
14% x 4 bed houses (5)*

Affordable home ownership:

*40% x 1 bed flats (8)
25% x 2 bed flats (5)
20% x 2 bed houses (4)
15% x 3 bed houses (3)*

There is a growing need for larger (3 and 4 bed) M4(3) wheelchair accessible homes for rent which we will seek to deliver through the requirements of Policy HS5: Accessible and adaptable housing of the Local Plan.

The applicant agreed to provide two x four bed houses to M4(3) wheelchair accessible standards. If the percentage of affordable housing is halved the Council would still require one four bed house to meet M4(3) wheelchair accessible standard with the remaining homes being ground floor flats to meet HS5 policy requirements.

The affordable homes should be owned and managed by a registered provider, should be spread across the site in small clusters rather than be situated on one or two parts of the site and be physically indistinguishable from the market housing. The affordable housing is still distributed across the site.”

- 4.78 As such there are no objections to raise to the proposed amount and mix of affordable housing.

First Homes

- 4.79 The Government announce a few years ago a new affordable housing product called ‘First Homes’. These are discounted market sale housing. Under transitional arrangements, once the Council has an up to date adopted Local Plan, there is not an automatic need to reflect the requirement for First Homes when considering planning applications. The Council do not have an evidence base to demonstrate that we need First Homes.

Accessible and adaptable housing

- 4.80 Local Plan Policy HS5: Accessible and adaptable housing states that:

“Planning permission for major residential development will be granted provided that:

a) applicants demonstrate that at least 50% of homes can be built to the M4(2) Accessible and Adaptable standard; and

b) on schemes where 10 or more affordable units will be delivered, 10% of these can additionally be built to the M4(3) wheelchair user Standard.”

- 4.81 The Planning Statement confirms that all dwellings would meet the M4(2) accessible and adaptable standards. Therefore, the application complies with part (a) of this policy.

- 4.82 The supporting text of Policy HS5 states that:

“The highest M4(3) standard should only be applied to homes where the District Council will be responsible for allocating or nominating a person to live in that dwelling.”

- 4.83 The accommodation schedule confirms that 11 of the homes would be M4(3) wheelchair adaptable – 4 open market homes, 1 shared ownership and 6 affordable rented homes. The District Council will only be responsible for allocating or nominating a person to live in the 6 affordable rented homes, which is 10% of the affordable rented units. Therefore, the

application complies with part (b) of this policy. However, the additional 5 M4(3) standard homes included in the scheme are welcomed. Please note the one shared ownership home would be wheelchair adaptable level of M4(3) rather than the higher “wheelchair accessible” level. This is considered to be acceptable.

- 4.84 As such the proposed development exceeds the requirements of Part (a) and meets the requirements of Part (b) set out in Policy HS5. The minimum standards will be secured by condition.

Affordable housing location

- 4.85 Officers are content that the affordable housing proportions, with an acceptable mix of tenures is maximised according to the viability of developing this site. 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. Details of location of the affordable housing is set out in the amended tenure plan. The Urban Design Officer has no objections to the distribution for the affordable tenures, as they are clustered appropriately and have good access to the open space – particularly social rented. The Housing Supply Officer acknowledges that the affordable housing is still distributed across the site. There have been no changes to the design of the homes which were considered to be sufficiently tenure neutral.

Conclusion on Market and Affordable Housing

- 4.86 The site will make a significant contribution to the delivery of homes in North Hertfordshire for the rest of the Plan period. The principle of development for this Local Housing Allocation is therefore acceptable in accordance with NHLP Policies SP1, SP2 and SP5, and noting NPPF *Policy HO8: Providing affordable homes*, which emphasises the requirements to provide affordable homes.
- 4.87 This matter of affordable housing delivery, despite the under provision according to the Local Plan, is also given substantial weight in favour of the proposal in the planning balance.
- 4.88 The key issues for consideration are whether the amended proposal with reduced affordable housing and reduced s106 contributions would be acceptable in the planning balance. The viability assessment has been independently assessed, and a compromise position has been reached. Also, the Council’s five-year housing supply position is worse than when this application was considered at Planning Committee last year.
- 4.89 The site on which the housing is proposed is a housing allocation in the Local Plan. The scheme would provide 20% affordable housing. The housing mix would be acceptable. Overall, it is considered that the identified benefit of delivery of residential development (281 dwellings) including 20% affordable housing should both be attributed substantial weight in the planning balance.

Developer contributions

- 4.90 Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 sets out statutory tests, which are that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

***“(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.”***

These are referred to in the text below as the CIL tests.

- 4.91 NPPF Policy HC3: Community facilities and public service infrastructure serving new development reads as follows:

“1. Proposals for housing, employment or other development which would give rise to significant numbers of additional people living in, working in or visiting an area should:

***a. Be informed by an understanding of the need for any associated improvements to community facilities and public service infrastructure, whether on or off-site; and
b. Provide for new or improved community facilities and public service infrastructure which are necessary for the development to be acceptable in planning terms, whether by direct provision or a contribution to off-site improvements (which may be through Community Infrastructure Levy payments, where applicable).***

2. Where the development plan does not set locally-specific standards for recreational land and facilities, all development proposals should use relevant national standards and best practice⁴⁹ to identify improvements in the quantity and quality of provision which should be ⁴⁹ These include the suite of Green Infrastructure Standards for England published by Natural England

(<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/GIStandards.aspx>), the standards for open space, outdoor sport and play recommended by Fields in Trust (<https://fieldsintrust.org/insights/standards>) and published Sport England Guidance (including Assessing Needs and Playing Pitch Strategy guidance | Sport England). provided or contributed towards, as appropriate to the nature of the development and taking into account existing levels of provision in the area.

3. Planning conditions and obligations should be used to secure the timely delivery of community facilities and public service infrastructure required to serve new development, so that these facilities are available for use when the development (or an agreed proportion of the development) is first occupied or comes into use.”

- 4.92 Local Plan Policy SP7: Infrastructure requirements and developer contributions states that:

“The Council will require development proposals to make provision for infrastructure that is necessary in order to accommodate additional demands resulting from the development.”

- 4.93 The Developer Contributions Supplementary Planning Document (adopted June 2026) is a material consideration.

- 4.94 The previously agreed s106 contributions and obligations can be found in the committee report, written update and minutes (see links in paragraph 4.12 above)
- 4.95 As set out in the previous report all the elements of these obligations were considered 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. Please see the previous report for the justification for all the s106 contributions
- 4.96 The Heads of Terms were designed to mitigate the impact of the development. However, some of the agreed contributions towards sustainable transport, outdoor and indoor sports facilities, off site play area provision whilst mitigating the impact of the development, would also be a wider public benefit as residents beyond those living at the proposed development site will benefit and make use of the new and improved facilities.
- 4.97 When the application was referred to Planning Committee in July 2025 all the s106 obligations in the table had been discussed with the applicant and agreed, except for the management and maintenance of open space. Discussions were ongoing regarding the wording of the s106 Agreement, such as trigger points. However, it was considered that the s106 Agreement was advanced enough to refer this matter to Planning Committee and that the outstanding issues were minor in nature and can be resolved prior to determination. As such the recommendation was that planning permission should be granted subject to conditions and completion of the s106 Agreement and providing delegated powers to the Development and Conservation Manager to resolve outstanding matters. With regards to the management and maintenance of open space, following discussions it has been decided that the open space will be managed by a Management Company – this is discussed below.
- 4.98 As set out above, following Dixon Searle Partnership's independent review of the applicant's viability assessment and negotiations it has been agreed by the Planning Officers and the applicant that the total pot of money available for s106 contributions is £8,628,619.
- 4.99 Following this agreement, Planning Officers allocated the money between the North Herts Council contributions (including NHS, Community Council and Stevenage Borough Council contributions), and Hertfordshire County Council contributions, based on priorities identified during the application, taking into account representations received from residents, Parish/Community Councils and local District Councillors.
- 4.100 From officers reading of the consultee responses particularly those from local residents, Councillors, the Community Council and Parish Councils it would appear that the priorities for the local community are healthcare, schools and highway safety. This has influenced the distribution of the pot of s106 contributions available.
- 4.101 In order to mitigate the impact of the development, North Herts Council still seek the full NHS contribution (index linked in April 2026), as this is considered a high priority. It is acknowledged from representations from residents that the lack of a GP facility in Great

Ashby is a key concern for residents with regards to this proposed development putting increased pressure on already over-stretched GP services nearby. Indeed, Policy GA1 sets out the following site-specific policy criteria for the site a:

“Contribution towards appropriate GP provision across the north of Stevenage sites.”

- 4.102 North Herts Council still seek the full monetary contributions (index linked April 2026) in the event that the developer is unable to secure the expansion of the Stevenage Beryl Bikes scheme and provision of a car club, given that these are important to encourage active travel.
- 4.103 North Herts Council still seek the full contribution (index linked in April 2026) for the contribution requested by Great Ashby Community Council towards Great Ashby Community Centre Improvement, as there is no community hall provision on site. North Herts Council still seek the full contribution (index linked in April 2026) requested by Great Ashby Community Council towards Merick Close Play Area improvement. However, North Herts Council no longer request the off-site play space contributions towards improvement of LEAP (Local Equipped Area for Play) at Foyle Close to a NEAP (Neighbourhood Equipped Area for Play) and the contribution towards improvement of existing LEAP at Snowdonia Way, requested by the Service Manager Greenspace. These contributions were requested because at the time the open space standards required a NEAP contribution and a MUGA (Multi Use Games Area) on site. It was acknowledged that the site is not an appropriate location for a MUGA but a project for a MUGA nearby could not be found at the time. An off-site NEAP contribution is not now requested given that play space is being provided on site in the form of a linear park and pocket parks, albeit not in the traditional form of a LEAP or NEAP.
- 4.104 The North Herts Council Waste collection and recycling contributions are no longer requested as it is understood that the developer must purchase the bins directly.
- 4.105 The Senior Ecologist was consulted on the viability information and advised that North Herts Council will still require the full BNG monitoring fee as it is a statutory requirement to monitor gains as proposed in the Biodiversity Gain Plan.
- 4.106 Following discussions with Stevenage Borough Council regarding their priorities, North Herts Council Planning Officers suggested that we would seek the full contribution for the wet/dry (swimming pool) facility and a 50% reduction in the rest of the sport contributions (for outdoor sports facilities). The revised figure offered to Stevenage Borough Council is £553,069.90 – this includes the full contribution requested for indoor sports (wet/dry facility) and 50% of the contributions requested for outdoor sports.
- 4.107 Stevenage Borough Council confirmed that given the viability argument and the fact North Herts Council have had this independently reviewed, Stevenage Borough Council as neighbouring Local Planning Authority do not wish to contest this in any way and are grateful for the opportunity to seek financial contributions towards sports provision in Stevenage. Contributions towards the wet/dry facility in the Town Centre are the Council's main priority, so they appreciate that the full amount in this regard will be sought. In terms of the outdoor sports facilities, a 50% reduction in contributions sought is considered acceptable by Stevenage Borough Council. They will provide an update when they have a clearer direction on identified schemes. The recommendation is that the decision on

projects for the outdoor sports contribution can be delegated to the Development and Conservation Manager if this information is not received by the Planning Committee meeting date.

- 4.108 As set out above in May 2026 the Growth and Infrastructure Unit (GIU) provided an updated response in relation to this application that included changes to the s106 contributions requested.
- 4.109 The total District contributions sought by North Herts Council which would be distributed to the North Herts Council, NHS, Community Council and Stevenage Borough Council projects is now £1,257,714.75 (with updated indexation). The contributions are set out in the table below.
- 4.110 North Herts Council allocated Hertfordshire County Council £7,370,904.25 (all-inclusive of indexation). The Senior Planning Officer, Growth and Infrastructure Unit, has had confirmation from their services and lead member that they can accept the viability reduction for this site. The contributions they are now requesting are set out in the table below.
- 4.111 The Senior Planning Officer, Growth and Infrastructure Unit, has clarified that these are fixed costs in the legal agreement and HCC will also require a viability review mechanism to be included in the legal agreement which includes HCC services in any uplift paid. They note that the primary, secondary and SEND education contributions are now to be termed 'education contribution' to enable flexibility in the final spend for the reduced amounts available to the education service. HCC considers that all three pieces of education infrastructure are required at this time, hence the need for the spend flexibility. They also confirmed that all items have been rebased to April 2026 and they request that the viability review also considers the amounts at the April 2026 base date.
- 4.112 For ease of reference the s106 contributions and obligations previously agreed by Planning Control Committee on 24 July 2026 are copied in the table below along with the s106 contributions and obligations currently proposed and agreed with the applicant.

Contribution/Obligation area	Previous s106 contributions and obligations agreed by PCC on 24 July 2025	Current s106 contributions and obligations proposed
Affordable Housing Proposed by Housing Supply Officer, NHC	On site provision of 40% affordable housing (65/35% rented/intermediate housing split) Within the 65% rented affordable housing element (73 in total): 24 x 1 bed flats 30x 2 bed flats (incl. 6 Building Regulations Approved Document Part M4(3) Wheelchair User Dwellings) 8 x 2 bed houses	On site provision of 20% affordable housing (65/35% rented/intermediate housing split) Within the 65% rented affordable housing element (36 in total): 12 x 1 bed flats (incl. 1 Building Regulations Approved Document Part M4(3) Wheelchair User Dwellings) 15 x 2 bed flats (incl. 3 Building Regulations Approved Document

	6 x 3 bed houses 5 x 4+ bed houses (incl. 2 Building Regulations Approved Document Part M4(3) Wheelchair User Dwellings) Within the 35% intermediate affordable housing element (39 in total): 8 x 1 bed flats 8 x 1 bed flats above garages 10 x 2 bed flats (incl. 2 Building Regulations Approved Document Part M4(3) Wheelchair User Dwellings) 7 x 2 bed houses 6 x 3 bed houses	Part M4(3) Wheelchair User Dwellings) 2 x 2 bed houses 2 x 3 bed houses 5 x 4+ bed houses (incl. 2 Building Regulations Approved Document Part M4(3) Wheelchair User Dwellings) Within the 35% intermediate affordable housing element (20 in total): 4 x 1 bed flats 4 x 1 bed flats above garages 5 x 2 bed flats (incl. 1 Building Regulations Approved Document Part M4(3) Wheelchair Adaptable Dwellings) 4 x 2 bed houses 3 x 3 bed houses
Primary Education Proposed by Growth and Infrastructure Unit, HCC	Primary Education Contribution towards the delivery of a new primary school in the area and/or provision serving the development (£3,038,304 (which includes land costs of £42,188) index linked to BCIS 1Q2024).	Education contribution to be used as seen fit across primary, secondary and SEND education, £2,040,219 (inclusive of indexation to April 2026).
Secondary Education Proposed by Growth and Infrastructure Unit, HCC	Secondary Education Contribution towards new secondary education provision at the former Barnwell East site/ land at Redwing Close and/or provision serving the development (£2,363,644 index linked to BCIS 1Q2024)	See above
Childcare Contribution Proposed by Growth and Infrastructure Unit, HCC	Childcare Contribution towards increasing the capacity of 0–2-year-old childcare facilities at a provision serving the development (£197,447 index linked to BCIS 1Q2024)	Childcare Contribution towards increasing the capacity of 0–2-year-old childcare facilities at a provision serving the development, £239,389 (inclusive of indexation to April 2026)
Childcare Contribution Proposed by Growth and Infrastructure Unit, HCC	Childcare Contribution towards increasing the capacity of 5–11-year-old childcare facilities at a provision serving the development (£3,324 index linked to BCIS 1Q2024)	Childcare Contribution Proposed by Growth and Infrastructure Unit, HCC Childcare Contribution towards increasing the capacity of 5–11-year-old childcare facilities at a provision serving the

		development, £1,309 (inclusive of indexation to April 2026)
Special Educational Needs and Disabilities (SEND) Proposed by Growth and Infrastructure Unit, HCC	Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£426,026 index linked to BCIS 1Q2024)	See above
Nursery Education Proposed by Growth and Infrastructure Unit, HCC	Nursery Education Contribution included within the Primary Education Contribution	See above
Youth Service Contribution Proposed by Growth and Infrastructure Unit, HCC	Youth Service Contribution towards increasing capacity by sourcing a new exclusive or shared use young people's centre serving Stevenage and the surrounding area and/or provision serving the development (£74,500 index linked to BCIS 1Q2024)	Youth Service Contribution towards increasing capacity by sourcing a new exclusive or shared use young people's centre serving Stevenage and the surrounding area and/or provision serving the development, £24,443 (inclusive of indexation to April 2026)
Library Service Contribution Proposed by Growth and Infrastructure Unit, HCC	Library Service Contribution towards the delivery of a new centre in Stevenage and/or provision serving the development (£95,120 index linked to BCIS 1Q2024)	Library Service Contribution towards the delivery of a new centre in Stevenage and/or provision serving the development, £39,569 (inclusive of indexation to April 2026)
Waste Service Recycling Centre Contribution Proposed by Growth and Infrastructure Unit, HCC	Waste Service Recycling Centre Contribution towards increasing capacity at Stevenage Recycling Centre and/or provision serving the development (£1,567 index linked to BCIS 1Q2024)	Waste Service Recycling Centre Contribution towards increasing capacity at Stevenage Recycling Centre and/or provision serving the development, £665 (inclusive of indexation to April 2026)
Waste Service Transfer Station Contribution Proposed by Growth and Infrastructure Unit, HCC	Waste Service Transfer Station Contribution towards the new Northern Transfer Station and/or provision serving the development (£73,070 index linked to BCIS 1Q2024)	Waste Service Transfer Station Contribution towards the new Northern Transfer Station and/or provision serving the development, £30,402 (inclusive of indexation to April 2026)

Fire and Rescue Contribution Proposed by Growth and Infrastructure Unit, HCC		Fire and Rescue Contribution towards increasing operational capacity through the provision of new appliances and/or equipment necessary to support additional fire and rescue service delivery at Stevenage Fire Station and/or provision serving the development, £2,945 (inclusive of indexation to April 2026).
Monitoring Fees – HCC will charge monitoring fees. Proposed by Growth and Infrastructure Unit, HCC	These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024).	These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024).
Highways - Strand 1 Proposed by HCC Highways	Strand 1 – Once approved, the site access junctions and necessary sustainable transport improvements (both on and off site) are delivered through a S278 agreement, the improvements to Graveley Footpath PROW 010 are delivered as a £90,000 contribution (index linked), and a £318,517.96 contribution (per annum for five years) (total cost £1,592,589.80) (index linked) to the new SB12 bus service and travel plan contributions (see below)	Strand 1 – Once approved, the site access junctions and necessary sustainable transport improvements (both on and off site) are delivered through a S278 agreement, the improvements to Graveley Footpath PROW 010 are delivered as a £96,269 contribution (inclusive of indexation to April 2026) and a £1,731,765 contribution to be paid in five equal annual payments (inclusive of indexation to April 2026) to the new SB12 bus service and travel plan contributions (see below)
Highways - Strand 1 - Travel Plan Proposed by HCC Highways	Travel pack contribution of £100 per house and £50 per flat. An evaluation and support fee £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014)	An evaluation and support fee, £9,716 (inclusive of indexation to April 2026) The travel plan voucher per house is dealt with directly between the applicant and householder and therefore a contribution is not required.
Highways - Strand 2 Proposed by HCC Highways	Strand 2 contribution of £1,918,106 (index linked). This Strand 2 contribution would be allocated to packages identified in the North Central Growth and Transport Plan (May 2022), route 2 of the adopted Stevenage	Strand 2 contribution of £2,714,951, (inclusive of indexation to April 2026). This Strand 2 contribution would be allocated to packages identified in the North Central Growth and Transport Plan (May 2022), route 2 of the adopted

	Borough Council (SBC) Local Cycling and Walking Infrastructure Plan 2019 identified in the TA and upgrade of NCN 12 (PRoW Wymondley 001) and the interurban route between Stevenage and Hitchin identified in the NHDC LCWIP.	Stevenage Borough Council (SBC) Local Cycling and Walking Infrastructure Plan 2019 identified in the TA and upgrade of NCN 12 (PRoW Wymondley 001) and the interurban route between Stevenage and Hitchin identified in the NHDC LCWIP.
Highways – Monitor and manage – Mendip Way and Calder Way/Back Lane Proposed by HCC Highways	£400,000 (index linked) to cover potential works which could be required subject to the monitoring process (Monitor and Manage). This monitor and manage contribution (Calder Way/Back Lane and Mendip Way) would be allocated if required, in line with the conditions.	£439,299 (inclusive of indexation to April 2026) to cover potential works which could be required subject to the monitoring process (Monitor and Manage). This monitor and manage contribution (Calder Way/Back Lane and Mendip Way) would be allocated if required, in line with the conditions.
Beryl Bikes and car club Proposed by North Herts Council	Requirement for the owner to arrange directly with Beryl Bikes, as an expansion of its Stevenage scheme, to provide a stock of bikes and install a virtual docking station at a location within the development site that is no more than 400m on foot from all dwellings within the development. The docking station to be sited on land that will not be offered for adoption by HCC or NHDC. If this arrangement has not been agreed before occupation of the 100th dwelling, NHDC may demand from the owner a monetary contribution in lieu of £50,000, index-linked, to be spent within five years of receipt on any measures that support sustainable travel by residents. Requirement for the owner to designate for the exclusive use of a club car one parking bay within the development site that is no more than 400m on foot from all dwellings within the development. The owner shall be responsible for preparing and covering the costs of the associated TRO.	Requirement for the owner to arrange directly with Beryl Bikes, as an expansion of its Stevenage scheme, to provide a stock of bikes and install a virtual docking station at a location within the development site that is no more than 400m on foot from all dwellings within the development. The docking station to be sited on land that will not be offered for adoption by HCC or NHDC. If this arrangement has not been agreed before occupation of the 100th dwelling, NHDC may demand from the owner a monetary contribution in lieu of £52,389.71 (inclusive of indexation to April 2026), to be spent within five years of receipt on any measures that support sustainable travel by residents. Requirement for the owner to designate for the exclusive use of a club car one parking bay within the development site that is no more than 400m on foot from all dwellings within the development. The owner shall be responsible for preparing and covering the costs of the associated TRO.

	Requirement for the owner to arrange directly with a car club operator to provide a club car in the designated club car bay for a minimum period of three years. If an arrangement has not been agreed before occupation of the 100th dwelling, NHDC may demand from the owner a monetary contribution in lieu of £50,000, index-linked, to be spent within five years of receipt on any measures that support sustainable travel by residents.	Requirement for the owner to arrange directly with a car club operator to provide a club car in the designated club car bay for a minimum period of three years. If an arrangement has not been agreed before occupation of the 100th dwelling, NHDC may demand from the owner a monetary contribution in lieu of £52,389.71 (inclusive of indexation to April 2026) to be spent within five years of receipt on any measures that support sustainable travel by residents.
NHS contribution Proposed by NHS Herts and West Essex Integrated Care Board	£469,832.00 (indexed from the date of the planning permission) towards either a new on-site medical facility at land to the east of the High Street and North Road, Graveley, (NS1) or in the event that the HWE ICB cannot support the delivery of a new medical centre on "NS1", towards projects at Canterbury Way Surgery and St Nicholas Health Centre such digitization or removal to secure off site storage of patient records (to allow the vacated space to be reconfigured and refurbished to create additional patient facing clinical rooms for GPs and ARRs staff) and to cover this build works transformation and to cover the associated on site GPIT costs that would arise.	£483,750.43 (inclusive of indexation to April 2026) towards either a new on-site medical facility at land to the east of the High Street and North Road, Graveley, (NS1) or in the event that the HWE ICB cannot support the delivery of a new medical centre on "NS1", towards projects at Canterbury Way Surgery and St Nicholas Health Centre such digitization or removal to secure off site storage of patient records (to allow the vacated space to be reconfigured and refurbished to create additional patient facing clinical rooms for GPs and ARRs staff) and to cover this build works transformation and to cover the associated on site GPIT costs that would arise.
Contribution towards outdoor sport facilities Proposed by Stevenage Borough Council	£199,077 (index linked) towards playing pitches in Stevenage £291,323 (index linked) towards changing rooms in Stevenage	£252,463.88 (inclusive of indexation to April 2026) towards outdoor sport facilities in Stevenage
Contribution towards indoor sport facilities Proposed by Stevenage Borough Council	£291,957 (index linked) towards the new Leisure Hub (wet and dry facility) in Stevenage	£300,606.02 (inclusive of indexation to April 2026) towards the new Leisure Hub (wet and dry facility) in Stevenage
Community contribution Proposed by Great Ashby Community Council	£55,888 (index linked) towards Great Ashby Community Centre Improvement	£58,559.12 (inclusive of indexation to April 2026) towards Great Ashby Community Centre Improvement

Offsite playspace contributions Foyle Close and Snowdonia Way schemes proposed by Service Manager, Greenspace, NHC Merrick Close scheme proposed by Great Ashby Community Council	£202,000 (index linked) towards improvement and enhancement of LEAP at Foyle Close to a NEAP. £75,000 (index linked) towards improvement of existing LEAP at Snowdonia Way. £15,000 (index linked) towards Merrick Close Play Area Improvement	Contributions towards Foyle Close and Snowdonia way projects no longer sought £15,716.91 (inclusive of indexation to April 2026) towards Merrick Close Play Area Improvement
NHC Waste collection and recycling Proposed by North Herts Council	Contribution towards the provision of waste and recycling bins - £71 per house - £54 per flat with its own self-contained garden - £26 per flat with shared or no amenity space (all index linked)	No longer sought as Planning Officer's understanding is that the developer has to purchase new bins directly from the East North Herts Shared Waste Services.
Open Space Management and Maintenance Scheme for open space including play space and SuDS and non-adopted roads Proposed by North Herts Council	Open Space Management and Maintenance Scheme to include – a) Details of landscape management and maintenance plans; b) Details of planting, grass cutting, weeding and pruning; c) Management of sustainable urban drainage features; d) Management of biodiversity enhancements; e) Inspection, repair and maintenance of all hard landscaping and structures; f) Management, monitoring and operational restrictions; and g) Maintenance and planting replacement programme for the establishment period of landscaping	Managed Areas Management and Maintenance Scheme” means the scheme for the long-term funding and management and maintenance of the Managed Areas within the Development to include: (a) details of landscape management and maintenance plans; (b) details of proposed planting, grass cutting, weeding and pruning; (c) Details of the management and maintenance regime for all Managed Areas including specific regimes for: a. Open Space; b. SUDS and other drainage features; c. biodiversity enhancements (which will accord with details approved pursuant to conditions attached to the Planning Permission); d. Non-adopted Roads e. Any other features within the Managed Areas; (d) Management, monitoring and operational restrictions; (e) Details of how the estate service charge will be operate and

		the legal mechanism by which the estate service charge will be secured so that the costs of managing and maintaining the Managed Areas in perpetuity in accordance with this Agreement is met by way of an estate service charge levied against the owners and occupiers of the Development; Details of the Management Company to whom the Managed Areas is to be transferred and who will be responsible for management and maintaining the Managed Areas and who will administer and collect the estate service charge from the owners and occupiers of the Development; (g) The proposed form of transfer of the Managed Areas to the Management Company which shall be in accordance with the Managed Areas Transfer Terms; (h) Details of the arrangements proposed to secure compliance with Paragraphs 4B, 4C, 4D and 4E of Schedule 2; (Changes recommended by Council's solicitor)
Management and maintenance of open space including play space and SuDS and non-adopted roads Proposed by North Herts Council	Either the Council will adopt the open space or suitable management arrangements are to be put in place (which are to be agreed between the Council and the Developer). If the open space is adopted by the Council, management and maintenance of the open space contribution figure is to be agreed between the Council and developer taking account of the Greenspace calculator in the Developer Contributions SPD.	Open space will be managed and maintained by a Management Company. Agreed following discussions between the applicant and North Herts Council
BNG monitoring contributions Proposed by North Herts Council	BNG monitoring contributions to cover LPA officer time to consider monitoring reports sent to the LPA over the 30 yrs of secured ongoing management but also to make site visits in yrs 1,2,3,5,7,10,15,20,25	BNG monitoring contributions to cover LPA officer time to consider monitoring reports sent to the LPA over the 30 yrs of secured ongoing management but also to make site visits in yrs 1,2,3,5,7,10,15,20,25 and 30 comes to £16,839 (inclusive

	and 30 comes to £16,000 (index linked) Half a day to visit and half a day to write up report.	of indexation to April 2026) Half a day to visit and half a day to write up report.
NHC Monitoring Fees Proposed by North Herts Council	One off monitoring fee of 2.5% with a cap of £25,000 to cover the monitoring of all obligations (except for those relating to HCC)	One off monitoring fee of 2.5% with a cap of £25,000 to cover the monitoring of all obligations (except for those relating to HCC)
Viability		Viability review mechanism will be built into the legal agreement with a late-stage review to ensure that if any circumstances of the viability appraisal change over the course of building the development an uplift would be captured and split between contributions to affordable housing and County Council Services.

- 4.113 The applicant has confirmed in writing that they are content to accept the above table of contributions (in the right-hand column) and to agree to the principle of a late review mechanism, the detailed construction of which will be worked out as part of finalising the section 106 agreement wording. This is discussed in the viability section above.
- 4.114 Discussions are ongoing regarding the wording of the s106 Agreement, such as trigger points, and this can be delegated to the Development and Conservation Manager. 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 determination as set out in the resolution.
- 4.115 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). However, there is a shortfall of policy compliant contributions toward County infrastructure, sports provision and play provision. There is also shortfall in policy compliant affordable housing delivery, which are discussed in previous sections of this report.

Conclusion on developer contributions

- 4.116 The NPPF DM5(2) states that “...***the submission of a viability assessment as part of a development proposal may be justified to ensure that the proposed development makes the maximum possible contribution to affordable housing and other infrastructure***”.

- 4.117 Overall, the failure of this application to fully address its impacts upon infrastructure is regrettable but local and national policies allow for reductions in contributions based upon viability. The contributions set out in the table above meet the CIL tests and mitigate the impacts of the development to the extent that is possible considering the viability position. There is harm arising from reduced contributions to mitigate the impact of development, which carries limited weight in the planning balance, in line with the weight given to the viability appraisal.

Design and layout of the scheme

- 4.118 There are no changes to the submitted plans other than the updated tenure locations plan discussed in the affordable housing section above.
- 4.119 The comments from the Senior Contract Officer, Shared Waste Service, are noted. However, the re-consultation was on the viability information only. All other matters were considered previously and there was a committee resolution to grant the scheme with the proposed layout. The Shared Waste Service made comments on the plans initially submitted with the application and amendments were made to address their concerns, which were considered acceptable by the Planning Officer.
- 4.120 See previous committee report for discussion on design and layout of the scheme (link in paragraph 4.12 above).

Highways and transport impacts

- 4.121 The planning contributions requested by the Highway Authority were agreed however, now there is a viability challenge these have been reduced, and the Highway Authority have been involved in determining the priorities for how the money is distributed. See previous committee report for discussion on design and layout of the scheme (link in paragraph 4.12 above).

Sports and play facility impacts

- 4.122 The planning contributions requested by Stevenage Borough Council for outdoor and indoor sports provision, based on the Sports England calculators, were agreed however, now there is a viability challenge these have been reduced, and Stevenage Borough Council have been involved in determining the priorities for how the money is distributed. See previous committee report for discussion on design and layout of the scheme (link in paragraph 4.12 above).

Other material considerations

- 4.123 See previous committee report for discussion on open space, landscape, heritage, drainage, flooding, ecology, environmental health, fire safety, waste and recycling management, and health impacts (links in paragraph 4.12 above).

Whether the development would represent a sustainable form of development.

- 4.124 A matter to consider in all applications for planning permission is whether the proposed development would represent a sustainable form of development. Paragraph 17 of the NPPF 2026 sets out the economic, social and environmental objectives that should be met in order to achieve sustainable development.

Economic Benefits

- 4.125 There will be considerable economic benefits derived from the construction of the site. There will be employment for construction workers and resulting direct and indirect benefits to the local economy. There would also be economic benefits arising from the fitting out and furnishing of the new homes. There would also be ongoing benefits from the spending of future occupiers.

Social Benefits

- 4.126 The main social benefits of the proposed development would be the provision of 281 dwellings including 56 affordable homes and associated public open space.

Environmental Benefits

- 4.127 The environmental benefits of the proposed development would be that the site has the ability to deliver 17.8% increase in habitat units and 14.3% increase in hedgerow units thereby exceeding the statutory requirement of a 10% Biodiversity Net Gain

Summary on sustainability

- 4.128 As set out in the previous report, the proposed development is expected to exceed existing minimum standards across a couple of themes as set out in the recently adopted SPD. It is considered that the proposals represent a sustainable form of development that complies with national and local planning policy and guidance taken as a whole. It is anticipated that the proposal will deliver a variety of economic, social and environmental benefits which cumulatively should deliver a sustainable development, and it is considered that significant weight should be attributed to this. Overall, it is considered that the identified sustainability benefits should be attributed moderate weight in the planning balance.

Other matters

- 4.129 There have been some other changes post committee that would not ordinarily be referred back to Planning Committee as the resolution allowed for them to be negotiated under delegated powers, but they are noted here for completeness.

Management and maintenance of the open space

- 4.130 Post committee the outstanding matter of management and maintenance of the open space has been resolved.
- 4.131 The Heads of Terms in the committee report stated:

“Either the Council will adopt the open space or suitable management arrangements are to be put in place (which are to be agreed between the Council and the Developer). If the open space is adopted by the Council, management and maintenance of the open space contribution figure is to be agreed between the Council and developer taking account of the Greenspace calculator in the Developer Contributions SPD.”

- 4.132 The Council has agreed to this s106 Agreement proceeding on the basis of a management company. This decision was made having regard to the following matters:
- 4.133 The following mainly site-specific reasons as to why adoption need not be pursued in this case, and a management company is acceptable.
- Given the nature, size and location of the open space on this site it is likely to be used mainly by the residents of the site and is unlikely to become a destination for residents outside the site, although it may be used by non-residents walking through the site.
 - The adjoining housing to the east and south of the site already have access to open space of similar type to that to be provided on the site.
 - The open space incorporates elements of the site's surface water drainage strategy and therefore it is likely that future residents would wish to retain control over how it is managed.
 - A management company being a reasonable / recognised mechanism to deliver what is required to make the scheme acceptable in planning terms.
 - The applicant having made reasonable endeavours to accommodate the Council's aspiration to adopt open spaces.
- 4.134 In making this decision the Council sought reassurance from the developer regarding the governance of the management company, which they provided. The governance of the management company will be secured by clauses in the s106 Agreement. The amended wording is set out in the table above.
- 4.135 The definition of Managed Areas in the s106 Agreement will be as follows: ***“Managed Areas means Open Space and SUDS and Non-Adopted Roads within the Development and such other parts of the Development as the Council may reasonably require to be owned, managed and maintained by the Management Company including without limitation any areas of habitat within the Development.”***
- 4.136 These are minor changes to the wording and increase rather than reduce the requirements of the Management and Maintenance Scheme. They have been agreed by the Council's Officers and the applicant.

Improvements to Public Right of Way 10

- 4.137 The following verbal update was provided to Planning Committee when the application was considered:

“The applicant wished to have the option of either delivering the improvements to Graveley PROW 010 themselves or providing a contribution, which they offered. As such the Strand 1 section of the s106 table has been changed as follows:

“Strand 1 – Once approved, the site access junctions and necessary sustainable transport improvements (both on and off site) are delivered through a S278 agreement, the improvements to Graveley Footpath PROW 010 are delivered as Strand 1 works or a £90,000 contribution (index linked), and a £318,517.96 contribution (per annum for five years) (index linked) to the new SB12 bus service and travel plan contributions (see below)”

The wording of the ROW condition 7 would be amended to add a sentence at the end to say, “Unless the applicant pays the s106 contribution they shall deliver the improvement works.”

4.138 This update to the wording of Condition 7 was not recorded in the minutes in error.

4.139 However, following discussion with the developer, HCC Highway Authority and Rights of Way Team it has been agreed that the improvements to Graveley Footpath PROW 010 will be delivered by a £96,269 contribution (inclusive of indexation to April 2026). As such the previously proposed Condition 7 has been deleted, as it only related to the improvements to PROW 10 and the contribution to the County Council for the improvement works will be secured by the s106 Agreement.

Bin storage condition

4.140 There has been a minor change made by the Planning Officer to the wording of recommended Condition 37 relating to refuse and recycling collection and storage. The following sentence has been added: ***“All dwellings shall have covered bin storage unless otherwise agreed in writing by the Local Planning Authority.”***

Climate change mitigations

4.141 See previous committee report for discussion on climate change mitigations (links in paragraph 4.12 above).

Planning Balances

4.142 As identified, there are matters that weigh in favour and against the proposed development.

4.143 The table below identifies the wider planning benefits and harms of the development, and the weight attributed to these. These are visual aids and should be considered along with the detailed assessment in the report.

Issue	Effect	Weight
Agricultural land / BMV land impacts	Harm	Moderate
Landscape and visual Impact	Harm	Moderate
Reduced contributions to mitigate the impacts of development	Harm	Limited

Delivery of residential development (a total of 281 dwellings) of which there would be 225 market homes	Benefit	Substantial
Delivery of residential development of which 20% would be affordable housing split between 65% affordable rent and 35% shared ownership	Benefit	Substantial
Biodiversity (BNG)	Benefit	Moderate
Sustainability credentials including economic benefits	Benefit	Moderate
Heritage	Neutral	None
Archaeology	Neutral*	None*
Tree Impacts	Neutral*	None*
Highway and transport	Neutral*	None*
Environmental impacts	Neutral*	None*
Flooding and drainage	Neutral*	None*
Sports and play facilities	Neutral*	None*

Table: Planning Balance summary

*conditions recommended

Overall assessment

- 4.144 This is an allocated housing site in the adopted Local Plan. It will therefore make an important contribution to the housing land supply. The scheme falls within a category of development which NPPF Policy S4 states should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.
- 4.145 Due to viability the proposal provides 20% affordable housing (rather than 40%) and significantly reduced s106 contributions. The affordable housing provision does not comply with Local Plan policy requirements and the agreed planning obligations do not fully address the impact of the proposed development. However, development plan and national policies make provision for reductions in affordable housing and obligations due to issues of viability, because the key aim is to boost the supply of housing. Therefore, the shortcomings of the proposal in this regard do not weigh against the proposal in the planning balance, subject to the viability review mechanism proposed. It is considered that the s106 contributions and affordable housing numbers have not reduced to such a level that would sustain a reason for refusal of the application. Without fully assessed viability issues and the provision of viability review, the failure to address the infrastructure impacts of the development, would otherwise weigh against the proposal.
- 4.146 The Council's is currently unable to demonstrate a 5-year housing land supply, and its position is worse than when the application was considered at Planning Committee in July 2025. Therefore, the provision of 20% affordable housing still has substantial weight in the planning balance. It is noted that compared to the original committee report all types of housing were considered one substantial benefit, whereas appeal decisions since then have separated out the benefits of market homes and of affordable homes. As such, the collective benefits of the development as described would be substantial, whether

counting housing as one benefits or as two benefits in the planning balance. The adverse effects of the proposal have been identified and weight attached to these as set out in the table above. As such, the benefits of approving the proposed development would not be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the new NPPF. The scheme therefore benefits from the presumption in favour of sustainable development which is a further material consideration.

- 4.147 Whilst it is disappointing to be in a position where officers are having to review the Heads of Terms for this scheme and recommend these reductions in affordable housing and s106 contributions, it is officer's view that these reductions would not be a sustainable reason for refusal that could be upheld at appeal, particularly given the Council's five-year housing supply position. The contributions have been maximised within the viable amount of money available, together with a viability review mechanism to clawback any uplift in viability at a later date.

Final planning balance

- 4.148 The proposal would accord with the development plan as a whole and other material considerations do not indicate otherwise. Accordingly, it is recommended that planning permission be granted.

Alternative Options

- 4.149 None applicable

Pre-Commencement Conditions

- 4.150 The applicant previously agreed to the pre-commencement conditions that are proposed. The conditions recommended below have been updated following the previous Planning Committee and post-committee discussions set out above.

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:

A) The completion of a satisfactory legal agreement, providing delegated powers to the Development and Conservation Manager to resolve any outstanding matters and the applicant agreeing to extend the statutory period in order to complete the agreement if required;

B) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required;

- C) Providing delegated powers to the Development and Conservation Manager to decide on the projects for the outdoor sports contribution; and
- D) The following conditions and informatives:

Biodiversity Net Gain

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).
Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Standard conditions

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

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

Highways

3. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:
 - i) Roads, footways.
 - ii) Cycleways.
 - iii) Foul and surface water drainage.
 - iv) Visibility splays
 - v) Access arrangements
 - vi) Parking provision in accordance with parking locations plan DES-716-110 Rev 3
 - vii) Loading areas.

viii) Turning areas.

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).

4. Prior to the first occupation of the development hereby permitted the vehicular and active travel accesses shall be completed and thereafter retained as shown on Transport Assessment drawing numbers (PL101 Rev - , PL102 Rev - & PL103 Rev) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water 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).

5. Prior to first occupation of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the 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).

6. No development shall commence until a Construction Management Plan/ Construction Phasing and Environmental Management Programme 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 unless otherwise agreed in writing by the Local Planning Authority. The Construction Management Plan shall include details of:
 - a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for construction vehicle and car parking, loading / unloading and vehicle turning areas), site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities;
 - e. Siting and details of wheel washing facilities for construction vehicles leaving the site;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h. Provision of sufficient on-site parking prior to commencement of construction activities;
 - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j. 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;
 - k. Phasing Plan.
 - l. Measures to minimise dust, noise, machinery and traffic noise impacts during construction;

- m. The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- n. Screening and hoarding details, to protect neighbouring residents;
- o. End of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- p. Storage and removal of building waste for disposal or recycling;

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) and To ensure the correct phasing of development in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity in accordance with Policy D3 of the North Hertfordshire Local Plan.

- 7. At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan shall be implemented in accordance with the timetable and target contained in therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

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) and to ensure that appropriate local air quality mitigation is provided in accordance with the NHDC Air Quality Planning Guidance Document and relevant sections of the NPPF.

- 8. Prior to the commencement of the development hereby permitted any Temporary Traffic Regulation Orders (TTROs) that are required for the temporary parking restrictions as indicated on drawing 2105-037 PL110 Rev - must be secured in place, unless rendered unnecessary by the details approved as part of the Construction Management Plan details.

Reason: In the interests of highway safety, amenity and capacity to ensure free and safe flow of traffic and to be in accordance with Policies 4, 5, 12, 15 and 17 of Hertfordshire's Local Transport Plan (adopted 2018).

- 9. No development shall commence until a monitoring programme to ensure the smooth operation of buses along Mendip Way shall be submitted to and approved in writing by the Local Planning Authority and the applicant commits to a management plan to implement appropriate mitigation measures as and when they are identified as necessary by the monitoring programme.

Reason: To ensure that agreed traffic levels are not breached and thus highway network is adequate to cater for the development proposed to be in accordance with Policies 5 and 12 of Hertfordshire's Local Transport Plan (adopted 2018).

10. No development shall commence until a monitoring programme to assess the level of traffic utilising Calder Way and Back Lane shall be submitted to and approved in writing by the Local Planning Authority and the applicant commits to a management plan to implement appropriate mitigation measures as and when they are identified as necessary by the monitoring programme.

Reason: To ensure that agreed traffic levels are not breached and thus highway network is adequate to cater for the development proposed to be in accordance with Policies 5 and 12 of Hertfordshire's Local Transport Plan (adopted 2018).

11. 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 December 2024 Ecological Impact Assessment and Tree Survey and Arboricultural Impact Assessment to include the following.
- a) Risk assessment of potentially damaging construction activities in particular in relation to trees.
 - 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) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To 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 District Local Plan 2011-2031.

Archaeology

12. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
- 1. The programme and methodology of site investigation and recording
 - 2. The programme and methodology of site investigation and recording as suggested by the archaeological 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. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To safeguard the archaeological record in accordance with Policy HE4 of the North Hertfordshire District Local Plan 2011-2031.

13. 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 12.

Reason: To safeguard the archaeological record in accordance with Policy HE4 of the North Hertfordshire District Local Plan 2011-2031.

14. 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 12 and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological record in accordance with Policy HE4 of the North Hertfordshire District Local Plan 2011-2031.

Ecology

15. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee bricks, at a rate equivalent to one per unit, in buildings/structures and hedgehog holes in fences, as informed by the December 2024 Ecological Impact Assessment, has been submitted to and approved in writing by the local planning authority. The approved Ecological Enhancement Plan shall be implemented on site.

Reason: To conserve and enhance biodiversity in accordance with Policy NE4 of the North Hertfordshire District Local Plan 2011-2031.

16. Prior to occupation, 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 be informed by part 5, impacts and mitigation, of the December 2024 Ecological Impact Assessment;
- a) identify those areas/features on site to which bats and other nocturnal species are particularly sensitive where lighting is 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 (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All 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: In the interests of ecology and urban design in accordance with Policies D1 and NE4 of the North Hertfordshire Local Plan.

17. Notwithstanding the approved plans, details of the proposed fencing along the western boundary (adjacent to the woodland) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site and permanently maintained.

Reason: In the interests of ecology and visual impact in accordance with Policies D1 and NE4 of the North Hertfordshire Local Plan.

18. Notwithstanding the submitted plans, updated Planting Plans shall be submitted and agreed in writing by the Local Planning Authority prior to commencement of landscaping on site. These updated Planting Plans shall be accompanied by a Planting Schedule and Specifications. The approved details shall be implemented on site.

Reason: In the interests of ecology and to ensure that it accords with the open space maintenance plan agreed as part of the s106 Agreement, to safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with Policies D1 and NE4 of the North Hertfordshire District Local Plan 2011-2031.

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

Notice in writing shall be given to the Council when the:

- (a) [HMMP] has been implemented; and
- (b) habitat creation and enhancement works as set out in the [HMMP] have been completed.

The created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP].

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved [HMMP].

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy NE4 of the North Hertfordshire District Local Plan 2011-2031.

Site Waste Management

20. 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)

Land contamination

21. No development approved by this permission shall take place until a further (limited) Phase 2 investigation report, as recommended by the previously submitted Southern Testing Laboratories Ltd report dated 11 January 2022 (Ref: JN1631), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

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

22. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy (agreed under condition 21). Any such validation shall include responses to any unexpected contamination discovered during works.

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

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

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

Noise

24. The development shall be constructed in accordance with the submitted plans including the noise mitigation scheme as set out in the submitted MEC Ltd noise assessment report dated March 2025 (25521-ENV-0402 Rev B).

Reason: In the interests of protecting living conditions of future occupiers in accordance with Policy D3 of the North Hertfordshire District Local Plan 2011-2031.

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

Reason: To protect the residential amenity of existing residents

Landscape Management Plan

26. No development above ground level shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall cover the management and maintenance of all areas of open space (to include parks, greenways, play areas, informal open space, semi-natural green space). Details to be submitted shall include:
- a) Management organisation;
 - b) Details of landscape management and maintenance plans;
 - c) Details of planting, grass cutting, weeding and pruning;
 - d) Management of sustainable urban drainage features;
 - e) Inspection, repair and maintenance of all hard landscaping and structures;
 - f) Management, monitoring and operational restrictions; and
 - g) Maintenance and planting replacement programme for the establishment period of landscaping.

The landscape management plan shall be carried out in accordance with the approved details and timetable. 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 the longevity of the landscaping scheme and protect the visual amenity and character of the area, in accordance with Policies SP12, NE6 and GA1 of the North Hertfordshire District Local Plan 2011-2031.

Landscaping implementation

27. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5

years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

Play areas

28. Prior to the commencement of any above ground construction works details of the play areas (including the proposed play equipment) across the site and a phasing plan for the provision of the play areas shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained on site.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality and in accordance with Policy D1 of the North Hertfordshire Local Plan (2011-2031).

Trees

29. Before the commencement of any works on the site a detailed Arboricultural Method Statement, which expands on the Tree Survey and Arboricultural Impact Assessment ref. 11056, dated 05/12/24, shall be submitted and approved in writing by the Local Planning Authority. The Arboricultural Method Statement should address matters including: specification for tree protection barriers, including revisions to barrier locations; a schedule of tree works; works within RPAs; phasing of work; a scheme for auditing tree protecting and subsequent reporting to the LPA should feature explicitly throughout. Detailed Tree Protection Drawings should be prepared to 1: 500 scale to support the Arboricultural Method Statement, with detail given of proposed levels and service routes. The Arboricultural Method Statement shall include a detailed scheme the protection of existing trees and hedges to be retained and an accompanying programme for implementation of the scheme.

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

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality in accordance with Policies D1 and NE4 of the North Hertfordshire District Local Plan 2011-2031

30. 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 in accordance with Policies D1 and NE4 of the North Hertfordshire District Local Plan 2011-2031.

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

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with Policies D1 and NE4 of the North Hertfordshire District Local Plan 2011-2031

32. Details of proposed tree pits should be submitted and approved for review by the Local Planning Authority. The approved details shall be implemented on site.

Reason: Considering trees are proposed in close proximity of hard surfaces and to safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with Policies D1 and NE4 of the North Hertfordshire District Local Plan 2011-2031.

Fire hydrants

33. No development shall take place until details of a scheme for the provision of fire hydrants to serve the relevant phases of the development has been submitted to and approved in writing by the Local Planning Authority. 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. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The hydrant(s) shall be provided in accordance with the approved details prior to the first occupation of the development. The provision and installation of fire hydrants, at no cost to the County or Fire & Rescue Service.

Reason: To ensure adequate fire protection for the development by way of appropriately located hydrant facilities - to ensure all proposed dwellings have adequate water supplies for in the event of an emergency.

EV charging points plan

34. Prior to the first occupation of the development hereby approved details of siting, number and design of the Electric Vehicle Charging Points shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed prior to the occupation of each dwelling and permanently retained thereafter. Each of the proposed new dwellings shall have an Electric Vehicle (EV) charging point.

Proposals should also be made for the provision of EV charging within other public parking areas of the proposed development.

Reason: To avoid obstruction of the footpaths and in the interests of good urban design/visual impact in accordance with Policy D1 of the North Hertfordshire District Local Plan 2011-2031

Cycle parking

35. No development shall commence until details of the cycle parking in accordance with DES-716-265-0 (Bins and Cycle Storage Plans and Elevations) and DES-716-110-3 Parking Location Plan have been submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shown shall accord with the guidance in LTN 1/20 on Cycle Infrastructure Design as a minimum unless local cycle parking standards are greater. The development or any phase of the development, whichever is the sooner, shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of and visitors to the proposed development in compliance with the guidance in the Hertfordshire Place & Movement Planning and Design Guide and LTN1/20 on Cycle Infrastructure Design as a minimum, and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) and in the interests of good urban design/visual impact in accordance with Policy D1 of the North Hertfordshire District Local Plan 2011-2031.

Bin storage

36. No dwelling shall be occupied until a scheme setting out details of all on-site household refuse and recycling storage and collection facilities (including details of siting, number and design of physically covered bin stores) to serve each dwelling have been submitted to and been approved in writing by the local planning authority. All dwellings shall have covered bin storage unless otherwise agreed in writing by the Local Planning Authority. 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 permanently retained thereafter.

Reason: To facilitate refuse and recycling collections, to protect the amenities of nearby residents/occupiers and to ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and in accordance with Policy D1 of the North Hertfordshire District Local Plan 2011-2031.

Materials

37. Notwithstanding the submitted plans, prior to commencement of any above ground construction works, full details (including material samples and sample brick panels) of the external materials to be used in the facings all buildings, and including their roofs, and updated roof materials and facing materials plans shall be submitted to and be approved in writing by the local planning authority.

The development shall be constructed in accordance with the approved details.

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

Boundary treatments

38. Notwithstanding the submitted enclosures plan, prior to commencement of any above ground construction works, an updated enclosures plan with full details of the boundary treatments, shall be submitted to and be approved in writing by the local planning authority.

The development shall be constructed in accordance with the approved details.

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

Surface materials

39. Notwithstanding the submitted surface materials plan, prior to commencement of any above ground construction works, an updated surface materials plan with full details of the hard landscaping, shall be submitted to and be approved in writing by the local planning authority.

The development shall be constructed in accordance with the approved details.

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

Finished floor levels plan

40. Prior to the commencement of development finished floor levels plans shall be submitted to and approved in writing by the Local Planning Authority. These need to show fixed points throughout the site to demonstrate the internal impact on each other and the external impact on neighbouring properties in terms of height.

The following two plans shall be required:

1. Existing topographical survey.
2. Proposed survey with fixed data points correlating to the existing topographical survey, ground levels between gardens and finished floor levels which back onto each other and neighbouring properties.

The approved details shall be implemented on site.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality and in accordance with and in accordance with Policy D3 of the North Hertfordshire Local Plan (2011-2031).

Removal of permitted development rights

41. 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 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.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control, in the interests of the character and amenities of the area and to ensure sufficient parking and amenity space retained for the properties, in accordance with Policies D1 and T2 of the North Hertfordshire District Local Plan 2011-2031.

Energy and Sustainability

42. The development shall achieve an EPC rating of at least C for all dwellings, as demonstrated by a valid EPC report obtained after the completion of the development and before first occupation/use.

Reason: To limit the energy consumption of the development and to comply with Policy D1 of the North Hertfordshire District Local Plan 2011-2031 and the Supplementary Planning Document: Sustainability.

43. No individual dwelling shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: To limit the water consumption of the development and to comply with Policy D1(e) of the North Hertfordshire District Local Plan 2011-2031 and the Supplementary Planning Document: Sustainability.

44. Notwithstanding the submitted drawings and energy statement, a plan showing how many PV solar panels will be accommodated and in which locations will be submitted to the Local Planning Authority and agreed in writing prior to the commencement of development. At least 25% of units shall have solar panels. For each dwelling on which panels are thereby approved the panels shall be installed prior to first occupation of that dwelling.

Reason: To reduce carbon emissions in accordance with the Supplementary Planning Document: Sustainability.

45. Prior to commencement of development, a detailed Energy and Sustainability Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall explain how the development will address and deliver a specific target level under each sustainability theme as set out in the originally submitted Energy and Sustainability Statement. Thereafter, the development shall be carried out in accordance with the relevant approved Energy and Sustainability Assessment.

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.

Thames Water

46. The development shall not be occupied until confirmation has been provided that either:-
1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: devcon.team@thameswater.co.uk) prior to the planning application approval.

Signage

47. Prior to first occupation details of signage for pedestrian/cycle/equestrian routes towards key local destinations and rights of way shall be submitted to and approved in writing by the Local Planning Authority. The approved signage shall be implemented on site.

Reason: To encourage active travel and safe use of shared routes to comply with North Hertfordshire Local Plan Policies SP6 and SP10.

Accessible and adaptable homes

48. At least 50% of homes shall be built to the M4(2) Accessible and Adaptable standard and 10% of the affordable homes shall be built to the M4(3) wheelchair user standard unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate provision of accessible and adaptable housing to comply with Policy HS5: Accessible and adaptable housing states of the North Hertfordshire Local Plan.

Lead Local Flood Authority (LLFA)

49. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 6 December 2024), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

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

50. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, Flood Risk Assessment (dated 6 December 2024) and Technical Memorandum (dated 23 May 2025) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of North Herts Council.

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

I. a timetable for its implementation

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

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme

throughout its lifetime. This will include the name and contact details of any appointed management company.

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

52. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 50. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

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

Proactive Statement:

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

Informatives:

1. **LLFA Informative**

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 and Proforma on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/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.

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.

2. Highways Informatives

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) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN2) 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 Page 102 land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

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

AN6) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN7) Roads to remain private: The applicant is advised that all new roads associated with this development will remain unadopted, with the exception of the rerouted Back Lane (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

AN8) Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN9) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN10) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

AN11) Stopping up of highway: Highway rights will need to be extinguished across the area of land affected in accordance with a Stopping Up order to be made by the Secretary of State for the Department of Transport under Section 247 of the Town and Country Planning Act 1990 before development can commence. Further information is available on the Planning Portal at: https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/14 and on the government website: <https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

AN12) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

AN13) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

3. **Secured By Design Informative**

It is strongly recommended that the applicant engages with the Police to seek to achieve the Police preferred minimum security standard that is Secured by Design (SBD).

4. **Planting Plan Informative**

In relation to the planting plan condition we would wish to see landscape strips between spaces to ensure the cars are broken up with greenery in the southern parking court - they could be low shrubs or small plants rather than trees. We would expect the submitted Planting Plans to be accompanied by a Planting Schedule and Specifications.

5. **Enclosures Informative**

In relation to the enclosures condition the Local Planning Authority would wish the end fences to the parking courts (north and south) to be brick walls with planting against them not 'hit and miss' fencing. We also require specification for the proposed boundary fencing along the western boundary.

6. **Surface materials informative**

In relation to the surface materials condition, specifications for hoggin, patio and all hard surfaces should be included on the submitted Surface Materials Plan.

7. **Play areas Informative**

In relation to the play areas condition, the submitted details should include a description of what measures are included with the 'subtle zoning' (referred to in the Design Objectives for the Linear Park).

8. **Construction Environment Management Plan Informative**

In relation to the Construction Environment Management Plan condition, tree works detailed in the December 2024 Tree Survey and Arboricultural Impact Assessment should be included in the Construction Environment Management Plan.

9. **Affinity Water Informatives**

Water quality

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 any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system), a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

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. We currently offer a discount to the infrastructure charge for each new development where evidence of a water efficiency design to a standard of 110litres (or less) per person per day is expected. The discount value for the charging period 2023/24 is £258. For more information visit Water efficiency credits (affinitywater.co.uk). Infrastructure connections and diversions There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

Due to its location, Affinity Water will supply drinking water to the development in the event that it is constructed. Should planning permission be granted, the applicant is also advised to contact Developer Services as soon as possible regarding supply matters due to the increased demand for water in the area resulting from this development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

10. Thames Water Informatives

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is

deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

11. Waste and Recycling Informatives

Further advice on waste provision for developments is available on our website. <http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision> this included details of the required capacity at each property.

Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.

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Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30 metres to a bin storage area or take their waste receptacles more than 25 metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

For flats, bins should be ordered direct from the Council's contractor 10 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.

Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.

Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy.

The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins.

For two-wheeled bins this should be 1 metre for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12.

We do not advise the use of bin compactors, as they often cause excessive damage to bins or cause waste to get stuck inside bins. If bin compactors are used on site you should advise your waste collection contractor. Large scale waste compactors may be appropriate for industrial units.

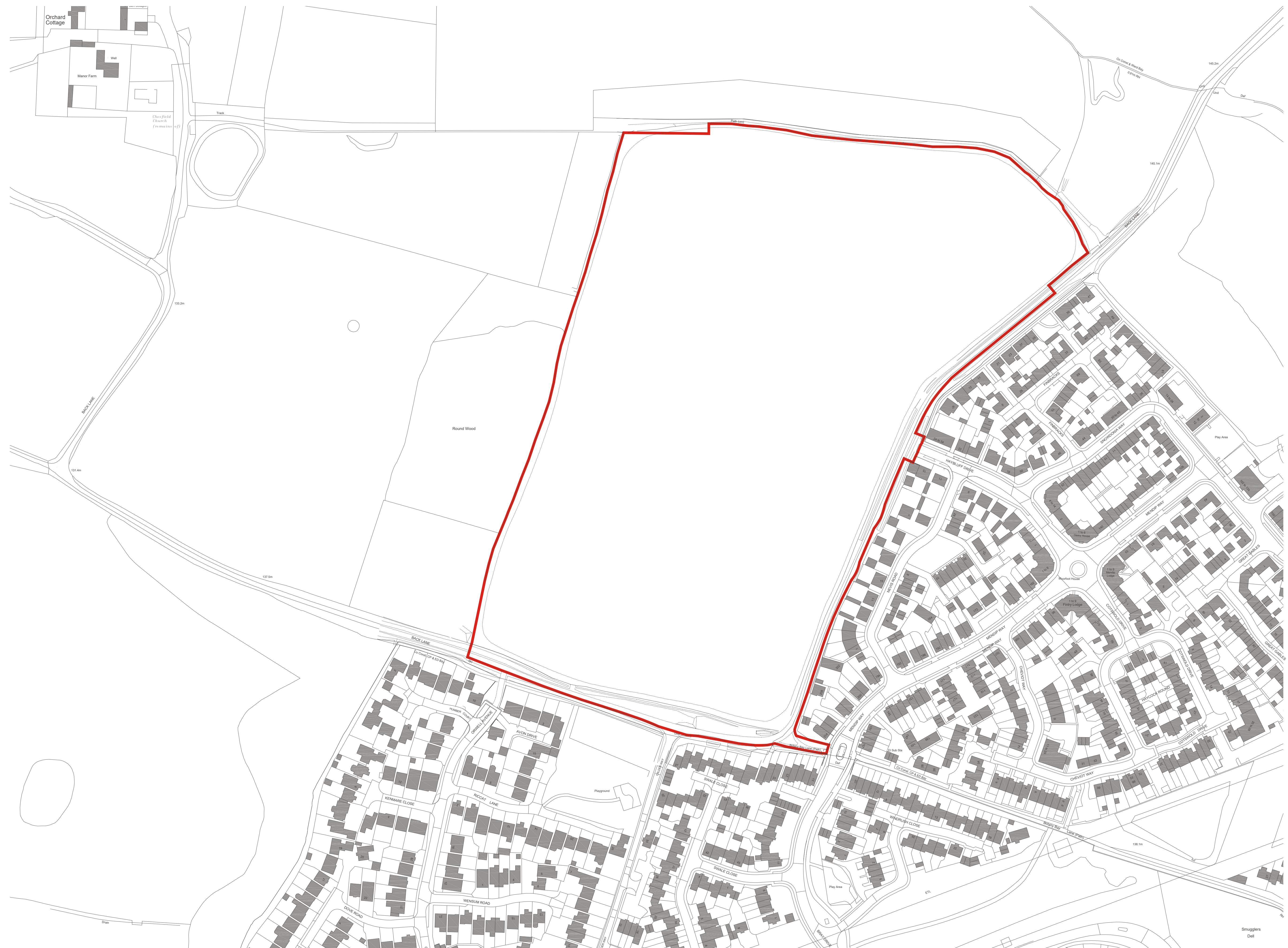
For flats and commercial properties:-

Doors to bin stores should be sufficient in widths to allow the movement of bins at their widest and prevent entrapment of limbs. This is likely to be a minimum of 20cm in addition to the widest bin contained in the bin store.

Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available. Doors should ideally be keypad entry or standard fire brigade keys. We do not support the use of electronic key fobs.

Bins in communal bin stores should be manoeuvrable to the refuse collection vehicle without the need to move other bins.

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<u>Location:</u>	Morrisons Superstore Broadway Letchworth Garden City Hertfordshire SG6 3TS
<u>Applicant:</u>	
<u>Proposal:</u>	Installation of CCTV pole cameras and installation of valeting air/vac unit following removal of no.7 parking spaces.
<u>Ref. No:</u>	26/01178/FP
<u>Officer:</u>	Henry Thomas

Date of expiry of statutory period: 09/07/2026

Extension of statutory period: 02/10/2026

Reason for Delay: Awaiting an available committee meeting.

Reason for Referral to Committee: The application has been called in by the DM Manager due to wider public interest in the site.

1.0 **Site History**

1.1 26/00853/FP - Installation of floodlights.

Concurrent Application.

1.2 25/00466/FP - Installation of EV charging zones, including the erection of sub-station enclosure, LV panel, meter cabinet and associated works.

Conditional Permission.

1.3 24/01035/FP - Installation of EV charging zones, including the erection of sub-station enclosure, LV panel, meter cabinet and associated works (amended plans received 17.06.2024).

Refused.

1.4 24/00736/FP - Installation of EV charging zones, including the erection of sub-station enclosure, LV panel, meter cabinet and associated works.

Withdrawn.

1.5 19/00227/FP - Glazed screens and sliding doors to existing open lobby and replacing existing carpark trolley corrals with enclosed trolley shelters.

Conditional Permission.

- 1.6 18/03180/FP - Installation of glazed screens in lieu of existing open metal panels to existing garden centre.

Conditional Permission.

- 1.7 18/02047/FP - Change of use of 9 parking spaces to hand car wash and valeting operation including the installation of a cabin and erection of a canopy.

Refused.

- 1.8 17/00601/1 - Retention of all equipment and signage related to the implementation of a car park management system (as amplified by drawing C-15448-002B received 27/04/2017).

Unconditional Permission.

- 1.9 06/00719/1 - Replacement of existing trolley bays with trolley shelters in supermarket car park

Conditional Permission.

2.0 Policies

2.1 North Hertfordshire District Local Plan 2011 – 2031

Spatial Strategy and Strategic Policies

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP6: Sustainable transport

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Development Management Policies

Policy ETC3: New retail, leisure and other main town centre uses

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

2.2 Supplementary Planning Documents

Design SPD

Sustainability SPD

2.3 National Planning Policy Framework (2026)

Section 4: Achieving sustainable development

- Policy S3: Presumption in favour of sustainable development
- Policy S4: Principle of Development within Settlements

Section 5: Meeting the challenge of climate change

- Policy CC2: Mitigation of climate change

Section 8: Ensuring the vitality of town centres

- Policy TC2: Development in town centres
- Section 14: Achieving well-designed places
- Policy DP3: Key principles for well-designed places
- Section 15: Promoting sustainable transport
- Policy T3: Locating development in sustainable locations
 - Policy T4: Street design, access and parking
- Section 16: Promoting Healthy Communities
- Policy HC4: Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits
- Section 17: Pollution, public protection and security
- Policy P3: Living conditions and pollution
 - Policy P5: Maintaining public safety and security
- Section 20: Conserving and enhancing the historic environment
- Policy HE4: Securing the conservation of heritage assets
 - Policy HE5: Assessing effect on heritage assets
 - Policy HE9: Conservation Areas.

3.0 **Representations**

3.1 **Site Notice and Neighbour Notification** – 5 representations have been received in objection. Their comments are summarised as:

- Noise impact to neighbouring dwellings
- Concerns that this will facilitate further development
- Disturbance from increased vehicle activity / intensified traffic circulation.
- Loss of privacy / overlooking
- Increased activity during anti-social hours
- Incremental commercial intensification of the site
- Loss of residential amenity
- Hard commercial edges adjacent to housing – contrary to local character
- Insufficient information provided about field of view / privacy impact

3.2 **Environmental Health (Noise and Other Nuisances)** – Have been reconsulted and Members will be updated at the meeting.

3.3 **Letchworth Garden City Heritage Foundation** – None received.

3.4 **NHC Conservation Officer** – No objection

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 Morrisons Superstore is a large supermarket and car park located between Station Way and Broadway within the Letchworth Town Centre. The site has vehicle access onto both roads. The site is within the Letchworth Conservation Area.

- 4.2.2 The proposed development would be sited to the northwest corner of the site and is adjacent to Station Way. The site is in use as an existing commercial car park for the Morrisons superstore. Following on from application ref: 25/00466/FP, four EV charging units have been constructed within this area of the car park. The car park is separated by a footpath from residential properties to the East. The closest of which sits approximately 5.8m away.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the installation of two CCTV pole cameras and installation of one Air-Serv Air machine and one Air-Serv Vacuum machine following removal of no.7 parking spaces.
- 4.2.2 The proposed Air/Vac units would be 1.61m tall, 0.55m wide and 0.56m deep.
- 4.2.3 The proposed CCTV poles would be 3m tall with the cameras installed at 2.7m. Each pole would have two cameras angled and tilted towards the site.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:
- The principle of the proposed development.
 - The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
 - The impact that the proposed development would have on the living conditions of neighbouring properties.
 - The impact that the proposed development would have on car parking provision in the area.
 - The impact that the proposed development would have on the environment.
 - The impact that the proposed development would have on the character and appearance of the Conservation Area.

Principle of the Proposed Development

- 4.3.2 NPPF Policy S3 applies a presumption in favour of sustainable development. This is further supported by Policy S4 states that “development within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects”.
- 4.3.3 NPPF policy TC2 states that:

“In considering proposals for development in town centres, substantial weight should be given to the benefits of:

- a. Supporting the overall vitality and viability of the centre, including where this can be achieved through the diversification of uses, intensification and provision of residential accommodation (provided this would not conflict with policies in the development plan for specific locations); and*

b. Improving or retaining access to local shops and other facilities which provide day-to-day services for the local community.”

- 4.3.4 Policy ECT3 provides support for main town centre uses which are “appropriate to the area in terms of use, size, scale, function, catchment area, historic and architectural character”. The proposed CCTV, Air/Vac unit and the supporting use of the EV chargers are not considered to be out of character for a town centre location, the merits of the design and impact upon historic character are considered later within this report.
- 4.3.5 In conclusion on this matter, the proposed development is considered acceptable in principle in this town centre location.

Sustainability and Economic Benefits

- 4.3.6 The NPPF sets out at Chapter 1 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 17 confirms that there are three overarching objectives to sustainable development: economic, social, and environmental, which are interdependent and need to be pursued in mutually supportive ways. Section 15 of the NPPF promotes sustainable transport and supports development to enable the charging of plug-in and other ultra-low emission vehicles within sustainable locations.
- 4.3.7 Local Plan Policy SP11 supports proposals for renewable and low carbon energy development in appropriate locations, stating that *“to assist in securing radical reductions in greenhouse gas emissions, the Council is required to help increase the use and supply of renewable and low carbon energy. Proposals for renewable and low carbon energy will be favourably considered subject to consideration of the impacts.”*
- 4.3.8 Local Plan Policy SP6 supports development which promotes the use of sustainable transport modes stating that we will “seek the earliest reasonable opportunity to implement sustainable travel infrastructure on Strategic Housing Sites and other development sites in order to influence the behaviour of occupiers or users”
- 4.3.9 The CCTV poles are required for the general security and safety of the site and to support the existing EV charging units. Whilst the EV chargers make a valuable contribution to the promotion of sustainable transport within the area, limited weight is given to the CCTV poles themselves. Whilst these would support the business, had they been essential to the scheme, they should have been included as part of the original application. Furthermore, the EV chargers are currently in operation without the CCTV cameras, and no justification statement has been submitted with the application confirming that they are essential associated development. Therefore, the sustainable and economic benefit they provide is given limited weight
- 4.3.10 The Air/Vac units would not be required to facilitate the use of the EV Chargers but would provide an additional service to users of the car park and support the growth of the existing business on site and moderate weight is attributed to the economic benefits of the scheme overall.

Design, Appearance and impact on Heritage Assets:

- 4.3.11 The objectives of the National Planning Policy Framework (NPPF) include those seeking to secure the creation of high quality, beautiful and sustainable buildings and places (Chapter 14 – Achieving well-designed places). Policy DP3 of the NPPF states that *“Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings”*. In this regard, Policy D1 of the North Hertfordshire Local Plan are consistent with the objectives set out within the NPPF.
- 4.3.12 Air/Vac units are commonly found within petrol stations forecourts. Motor Fuel Group have identified hundreds of Morrison’s car parks for redevelopment although these are predominantly car parks with petrol stations. I note that a number of residents have queried whether this would be in keeping with the local character.
- 4.3.13 The existing character is that of an open car park with low-lying development with floodlights, trolley hutches and two CCTV poles. A verdant tree line provides a clear separation between the commercial site and the residential area of Broadwater Avenue. There are a number of trees within the parking area which emphasize the verdant character. As such, I consider the existing site to have a light-industrial character.
- 4.3.14 In isolation, the Air/Vac units and the CCTV cameras would not be considered out of character, however when considered in combination with the EV chargers, this leads to an intensification of the industrial character. In my view, the harm to the character of the site would be minor considering the small scale of the Air/Vac units and the modest height of the CCTV poles.
- 4.3.15 North Herts Council’s Senior Conservation Officer has been consulted on the scheme and considers that the proposal would have a neutral impact on the character of the site from a heritage standpoint and therefore the character and appearance of the conservation area would be preserved.
- 4.3.16 As such, the design and appearance would comply with policy D1, NE2 and HE1 of the Local Plan and Sections 4 and 20 of the NPPF.

Impact on Neighbouring Amenity:

- 4.3.17 A core planning principle set out in the NPPF at Policy P3 is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy D3 of the Local Plan.
- 4.3.18 The application site is neighboured by No. 49 Station Way to the west of the site who has raised an objection to the proposed development. The dwelling is set at a lower ground level, sits approximately 5.3m from the car park and is separated by a footpath and a tree line / hedging. Although there is an existing floodlight along this boundary, this has been switched off to protect neighbouring amenity.

- 4.3.19 The applicant has submitted a noise impact assessment which has modelled the impact of the proposed Air/Vac units on the neighbouring dwelling. The study considers that ambient and background noise for neighbouring dwellings fell between 31 and 49.9db between the hours of 7am to 10pm. The predictive cumulative noise level from both units would be 33-34db upon reaching the neighbouring property. As such, the sound from the units would likely fall below the ambient noise when listening from the closest neighbouring property of 49 Station Way. A condition is recommended to limit hours of operation from 7am to 10pm on any given day in line with the EV Chargers approved under ref: 25/00466/FP. Environmental Health have been reconsulted, and Members will be updated at the meeting of any response received.
- 4.3.20 The units themselves would be noisy for their users. However, these would have a similar noise output to domestic vacuums and therefore are considered safe and acceptable.
- 4.3.21 The proposed CCTV cameras would face towards the EV units and by virtue, the neighbouring dwelling as well. Whilst they would be tilted to reduce their field of vision to the car park there may be some perception of overlooking from the neighbour's perspective. Given the screening from the treeline, I consider that there would not be a material impact upon privacy. However, a condition is recommended to ensure that the field of view addresses potential impact upon the privacy of the neighbouring residential property.
- 4.3.22 Given the above, the proposed development would not give rise to any significantly harmful impact upon the neighbouring dwellings.

Impact on Parking and Highways:

- 4.3.23 The proposed development would see the net loss of 5 parking spaces. Given the much larger size of the whole car park and the benefits from providing Air/Vac services charging, this loss would be acceptable.
- 4.3.24 The site and proposal are outside of the public highway network and will not be considered to affect it. The proposal will not obstruct vehicle circulation in the car park. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 15 of the NPPF.

Security

- 4.3.25 The proposed development is required to ensure the safe use and security of the EV charging units. They would have the wider public benefit of discouraging anti-social behaviour within this area of the car park. Moderate weight is given to this benefit.

Environmental Matters

- 4.3.26 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 19 of the NPPF.

Biodiversity Net Gain

- 4.3.27 The existing site is a car park with limited existing habitat space, as such the proposed development is 'de minimis' and would not exceed the threshold of 25 sqm of on-site habitat, or/and less than 5 meters of linear habitats. This application is therefore exempt from BNG legislation defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4.4 Planning Balance and Conclusion

- 4.4.1 The proposed development is acceptable in principle on this supermarket car park in this town centre location. There would be economic benefits arising from the proposal to which moderate weight is attributed. The proposal would not harm the character and appearance of Letchworth Conservation Area as a whole and this weighs neutral in the planning balance and would the absence of material impact upon residential amenity and other matters considered above.

- 4.4.2 In conclusion, the proposed development is acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 Alternative Options

- 4.5.1 N/A

4.6 Pre-Commencement Conditions

- 4.6.1 N/A

5.0 Recommendation

- 5.1 That planning permission resolved to be **GRANTED** subject to:

A) A response of no objection and any relevant conditions from the North Herts Environmental Health, to be delegated to the Development and Conservation Manager prior to any decision.

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

C) the conditions and informative set out below:

Conditions

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

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

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

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

3. The use hereby permitted (Air / Vac unit) shall not be available for use by customers outside the following times:
07.00hrs to 22.00hrs on any given day.

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

4. No development shall take place until details and/or plan of the CCTV field of view has been submitted to and approved in writing by the local planning authority.

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

BNG Statement

This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement

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

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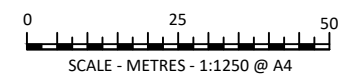
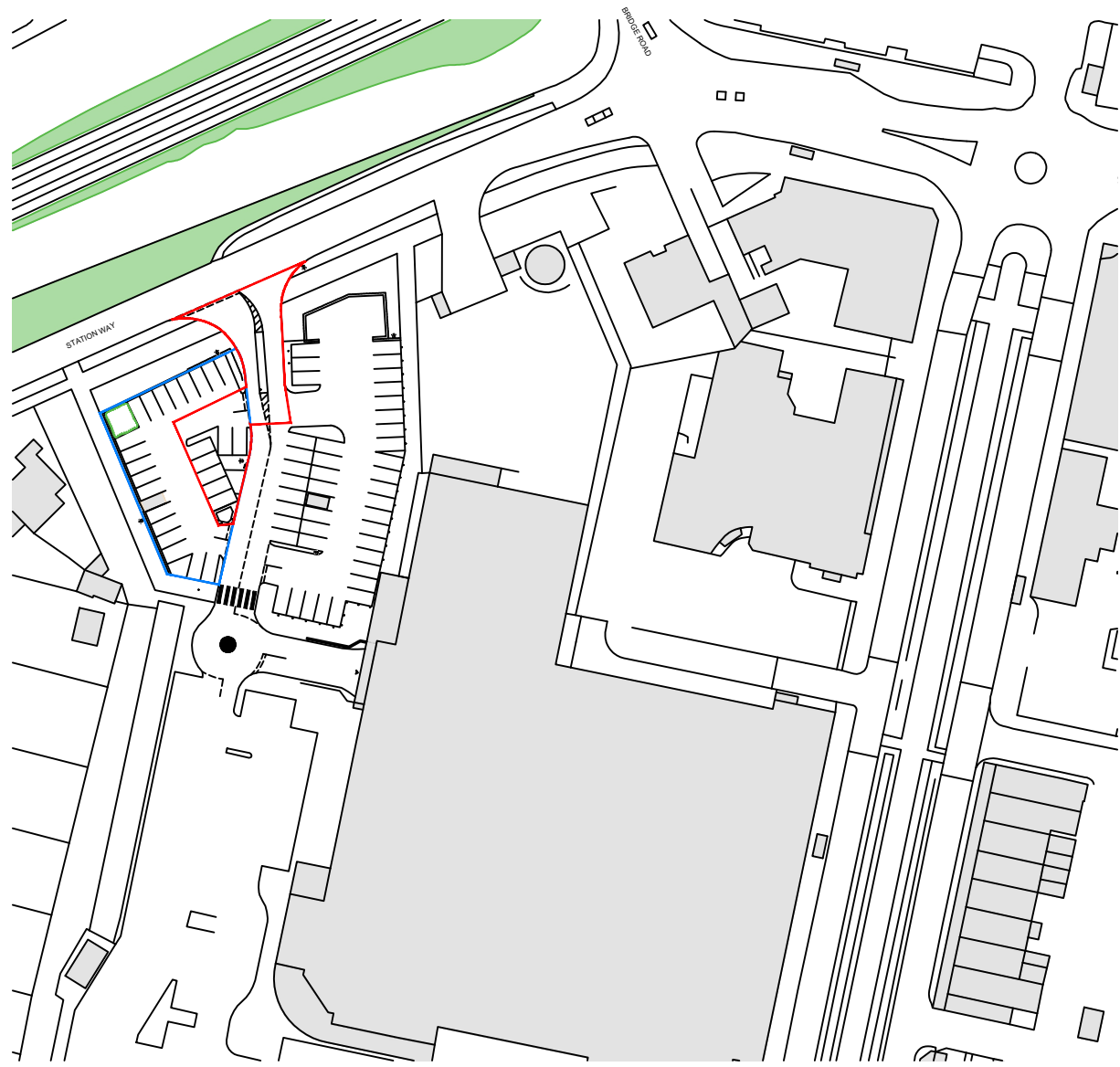
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- KEY PLAN:**
- SITE APPLICATION LINE
AREA - 455SQM - 0.455 HECTARES
 - SITE APPLICATION LINE
AREA - 730SQM - 0.730 HECTARES



REV	DATE	DESCRIPTION	DRAWN/CHECKED
REVISION NOTES			
PLANNING			
			
MBH Design Studio Ltd. Rosemount House, Rosemount Avenue, West Byfleet, Surrey, KT14 6LB www.mbhstudio.com t: 01932 352 727 f: 01932 351 545			
CLIENT			
			
PROJECT			
FS2126 LETCHWORTH MORRISONS BROADWAY LETCWORTH GARDEN CITY SG6 3TS			
DRAWING TITLE			
LOCATION PLAN			
DRAWN BY	DATE	SCALE	PAPER SIZE
RRB	30.04.2026	1:1250	A4
CHECKED BY	DRAWING NUMBER	REV.	
JN	14313-2126-LP	-	

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<u>Location:</u>	Morrisons Superstore Broadway Letchworth Garden City Hertfordshire SG6 3TS
<u>Applicant:</u>	N/A
<u>Proposal:</u>	Installation of floodlights.
<u>Ref. No:</u>	26/00853/FP
<u>Officer:</u>	Henry Thomas

Date of expiry of statutory period: 10/06/2026

Extension of statutory period: 02/10/2026

Reason for Delay: Awaiting additional supporting documents from the applicant and an available committee meeting.

Reason for Referral to Committee: The application has been called in by the DM Manager due to wider public interest in the site.

1.0 **Site History**

- 1.1 26/01178/FP - Installation of CCTV pole cameras and installation of valeting air/vac unit following removal of no.2 parking spaces.

Concurrent Application.

- 1.2 25/00466/FP - Installation of EV charging zones, including the erection of sub-station enclosure, LV panel, meter cabinet and associated works.

Conditional Permission.

- 1.3 24/01035/FP - Installation of EV charging zones, including the erection of sub-station enclosure, LV panel, meter cabinet and associated works (amended plans received 17.06.2024).

Refused.

- 1.4 24/00736/FP - Installation of EV charging zones, including the erection of sub-station enclosure, LV panel, meter cabinet and associated works.

Withdrawn.

- 1.5 19/00227/FP - Glazed screens and sliding doors to existing open lobby and replacing existing carpark trolley corrals with enclosed trolley shelters.

Conditional Permission.

- 1.6 18/03180/FP - Installation of glazed screens in lieu of existing open metal panels to existing garden centre.
Conditional Permission.
- 1.7 18/02047/FP - Change of use of 9 parking spaces to hand car wash and valeting operation including the installation of a cabin and erection of a canopy.
Refused.
- 1.8 17/00601/1 - Retention of all equipment and signage related to the implementation of a car park management system (as amplified by drawing C-15448-002B received 27/04/2017).
Unconditional Permission.
- 1.9 06/00719/1 - Replacement of existing trolley bays with trolley shelters in supermarket car park
Conditional Permission.

2.0 **Policies**

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

Spatial Strategy and Strategic Policies

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP6: Sustainable transport

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Development Management Policies

Policy ETC3: New retail, leisure and other main town centre uses

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

2.2 **Supplementary Planning Documents**

Design SPD

Sustainability SPD

2.3 **National Planning Policy Framework (2026)**

Section 4: Achieving sustainable development

- Policy S3: Presumption in favour of sustainable development
- Policy S4: Principle of Development within Settlements

Section 5: Meeting the challenge of climate change

- Policy CC2: Mitigation of climate change

Section 8: Ensuring the vitality of town centres

- Policy TC2: Development in town centres

Section 14: Achieving well-designed places

- Policy DP3: Key principles for well-designed places
- Section 15: Promoting sustainable transport
- Policy T3: Locating development in sustainable locations
 - Policy T4: Street design, access and parking
- Section 16: Promoting Healthy Communities
- Policy HC4: Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits
- Section 17: Pollution, public protection and security
- Policy P3: Living conditions and pollution
 - Policy P5: Maintaining public safety and security
- Section 20: Conserving and enhancing the historic environment
- Policy HE4: Securing the conservation of heritage assets
 - Policy HE5: Assessing effect on heritage assets
 - Policy HE9: Conservation Areas.

3.0 **Representations**

3.1 **Site Notice and Neighbour Notification** – 7 representations have been received in objection. Their comments are summarised as:

- Cumulative lighting impact.
- Failure to demonstrate compliance with planning policy and lighting standards
- Over illumination and light spill.
- Intrusive light during anti-social hours.
- Lack of justification.
- Existing floodlights with shields are inadequate.

3.2 **Environmental Health (Noise and Other Nuisances)** – No comments to make.

3.3 **Letchworth Garden City Heritage Foundation** – None received.

3.4 **NHC Conservation** – No objection.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 Morrisons Superstore is a large supermarket and car park located between Station Way and Broadway within the Letchworth Town Centre. The site has vehicle access onto both roads. The site is within the Letchworth Conservation Area.

4.2.2 The proposed development would be sited to the northwest corner of the site and is adjacent to Station Way. The site is currently in use as an existing commercial car park for the Morrisons superstore. The car park is separated by a footpath from residential dwellings to the East. The closest of which sits approximately 5.8m away.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the installation of 7 floodlights (development commenced).
- 4.2.2 The proposed floodlights are proposed in 3 designs. All 5m tall. Types A and B are single arm floodlights with back plate shields and are located around the outskirts of the site plan. Type C is a three-arm floodlight located within a central position in the site.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The principle of the proposed development.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.
- The impact that the proposed development would have on the character and appearance of the Conservation Area.

Planning History

- 4.3.2 NPPF Policy DM8 states that “in cases of unauthorised development where consideration is being given to an application for retrospective planning permission... if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.”
- 4.3.3 This proposal is a retrospective consent for floodlights in association with the EV charging units approved under ref: 25/00466/FP to allow for their use outside of daylight hours. The applicant confirmed that lighting was not required during the 25/00466/FP application and the erection of floodlights were subsequently commenced unlawfully. As such, this is a material consideration which is given substantial weight against the proposal.

Principle of the Proposed Development

- 4.3.4 NPPF Policy S3 applies a presumption in favour of sustainable development. This is further supported by Policy S4 states that “development within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects”.
- 4.3.5 NPPF policy TC2 states that:

“In considering proposals for development in town centres, substantial weight should be given to the benefits of:

- a. *Supporting the overall vitality and viability of the centre, including where this can be achieved through the diversification of uses, intensification and provision of residential accommodation (provided this would not conflict with policies in the development plan for specific locations); and*
 - b. *Improving or retaining access to local shops and other facilities which provide day-to-day services for the local community.”*
- 4.3.6 Policy ECT3 provides support for main town centre uses which are “appropriate to the area in terms of use, size, scale, function, catchment area, historic and architectural character”
- 4.3.7 The proposed floodlights and the supporting use of the EV chargers are not considered to be out of character for a town centre location, the merits of the design and impact upon historic character are considered later within this report. Therefore, the proposed development is considered to be acceptable in principle in this town centre location.

Sustainability and Economic Benefits

- 4.3.8 The NPPF sets out in paragraph 15 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 17 confirms that there are three overarching objectives to sustainable development: economic, social, and environmental, which are interdependent and need to be pursued in mutually supportive ways. Section 15 of the NPPF supports development to enable the charging of plug-in and other ultra-low emission vehicles within sustainable locations.
- 4.3.9 Policy SP11 supports proposals for renewable and low carbon energy development in appropriate locations, stating that *“to assist in securing radical reductions in greenhouse gas emissions, the Council is required to help increase the use and supply of renewable and low carbon energy. Proposals for renewable and low carbon energy will be favourably considered subject to consideration of the impacts.”*
- 4.3.10 Policy SP6 supports development which promotes the use of sustainable transport modes stating that we will “seek the earliest reasonable opportunity to implement sustainable travel infrastructure on Strategic Housing Sites and other development sites in order to influence the behaviour of occupiers or users”
- 4.3.11 The floodlights are required for the general security and safety of the site and to support the existing EV charging units. Whilst the EV chargers make a valuable contribution to the promotion of sustainable transport within the area had the floodlighting been essential to the operation of the EV chargers they should have been included as part of the original application. Furthermore, the EV chargers are currently in operation without the floodlights, and no justification statement has been submitted with the application. Therefore, the sustainable and economic benefit they provide is given limited weight.

Design, Appearance and impact on Heritage Assets:

- 4.3.12 The objectives of the National Planning Policy Framework (NPPF) include those seeking to secure the creation of high quality, beautiful and sustainable buildings and places (Chapter 14 – Achieving well-designed places). Policy DP3 of the NPPF states that *“Development proposals should respond to their context (the history, character and*

features of their site and its setting), so that they integrate with and enhance their surroundings". In this regard, Policy D1 of the North Hertfordshire Local Plan are consistent with the objectives set out within the NPPF.

- 4.3.13 The existing character is that of an open car park with low-lying development with floodlights, trolley hutches and two CCTV poles. A verdant tree line provides a clear separation between the commercial site and the residential character of Broadwater Avenue. There are a number of trees within the parking area which emphasize the verdant character. As such, I consider the existing site to have a light-industrial character.
- 4.3.14 The proposed floodlights are of a design which is conventional for a carpark setting. Although they would have some minor departure in terms of design from the existing floodlights, I do not consider this to be visually harmful. They would also benefit from some degree of screening from the highways by the trees along the northern boundary of the site. Given the presence of floodlights across the wider site, consider that they are not out of context in this location.
- 4.3.15 North Herts Council's Senior Conservation Officer has been consulted on the scheme and considers that the proposal would have a neutral impact on the character of the site from a Heritage standpoint and therefore would not harm the conservation area.
- 4.3.16 As such, I consider that the proposal would comply with policy D1, NE2 and HE1 of the Local Plan and Sections 4 and 20 of the NPPF.

Impact on Neighbouring Amenity:

- 4.3.17 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy D3 of the Local Plan.
- 4.3.18 The application site is neighboured by No. 49 Station Way to the west of the site who has raised an objection to the proposed development. The dwelling is set at a lower ground level, sits approximately 5.3m from the car park and is separated by a footpath and a tree line / hedging. Although there is an existing floodlight along this boundary, this has been switched off to protect neighbouring amenity.
- 4.3.19 Due to this proximity, the applicant has submitted a Lighting Assessment which states that lux levels would fall below 0.5 before reaching any neighbouring occupiers. On this basis, Environmental Health have not objected to the scheme. I have recommended a condition for the hours of operation to be restricted from 7am to 10pm on any given day, in line with the operating hours of the EV charging units and the supermarket itself.
- 4.3.20 Given the above, the proposed development would not give rise to any significantly harmful impact upon the neighbouring dwellings.

Impact on Parking and Highways:

- 4.3.21 The proposed development would not impact the approved parking provision under ref: 25/00466/FP or the parking provision to be considered under concurrent application ref: 26/01178/FP.
- 4.3.22 The site and proposal are outside of the public highway network and will not be considered to affect it. The proposal will not obstruct vehicle circulation in the car park. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Security

- 4.3.23 The proposed development is required to ensure the safe use and security of the EV charging units. They would have the wider public benefit of discouraging anti-social behaviour within this area of the car park. Moderate benefit is given to this benefit.

Environmental Matters

- 4.3.24 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 19 of the NPPF.

Biodiversity Net Gain

- 4.3.25 The existing site is a car park with limited existing habitat space, as such the proposed development is 'de minimis' and would not exceed the threshold of 25 sqm of on-site habitat, or and/ less than 5 meters of linear habitats. This application is therefore exempt from BNG legislation defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4.4 Conclusion

- 4.4.1 The benefits and harms of the scheme are summarised within the following:

Consideration	Weight
Sustainability and Economic Benefits	Limited benefit
Public safety and security	Moderate benefit
Character and appearance	Neutral
Residential amenity	Neutral (subject to condition)
Intentional Unauthorised Development	Substantial harm

- 4.4.2 The development supports the use of the EV chargers outside of daylight hours. Limited weight is given to the economic benefits of the proposed development.
- 4.4.3 The scheme is located within a town centre location where sustainable development is supported in principle. The design of the floodlights is not considered to have an adverse effect upon the character and appearance of the site and the conservation area as whole. The lighting assessment does not identify an impact upon neighbouring amenity. No impacts to vehicle circulation, parking or highway safety have been identified.
- 4.4.4 The application is retrospective and officers consider that as the developers should have been aware that planning permission was required for floodlights therefore it is likely that this is intentional unauthorised development. Substantial weight is therefore applied against the proposal under policy DM8 of the NPPF. However, in the absence of other harms it is considered that this matter alone does not justify the refusal of planning permission.
- 4.4.5 In the absence of any significant harm to the local character or neighbouring amenity, it is considered that the benefits of the scheme would outweigh Policy DM8. The proposed development is therefore considered acceptable and is considered to comply with the relevant provisions of the Local Plan policies and the National Planning Policy Framework and that planning permission should be granted subject to conditions.

4.5 **Alternative Options**

- 4.5.1 N/A

4.6 **Pre-Commencement Conditions**

- 4.6.1 N/A

5.0 **Recommendation**

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

Conditions

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

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

2. The use hereby permitted (floodlights) shall not be in operation outside the following times:
07.00hrs to 22.00hrs on any given day.

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

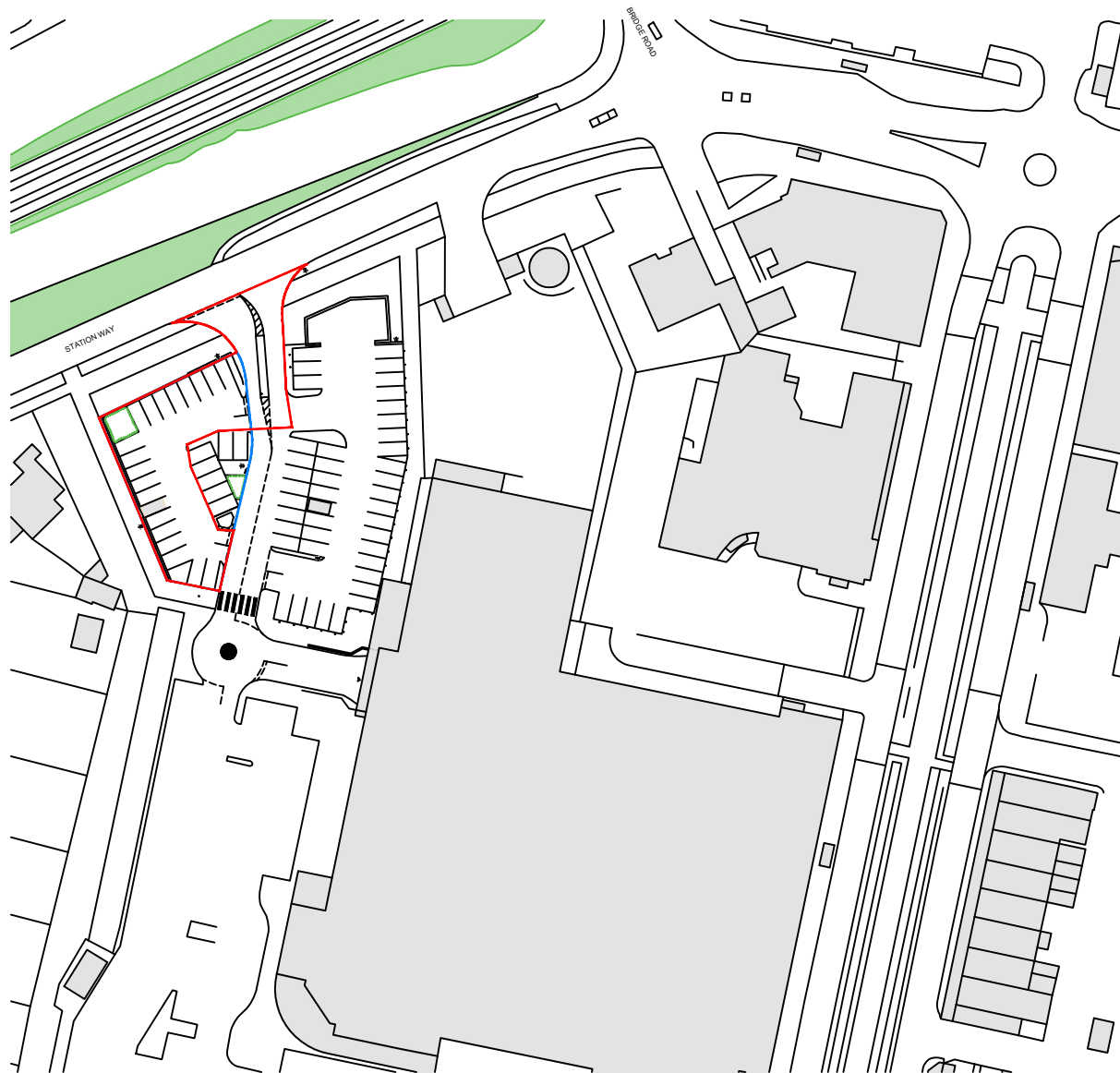
Proactive Statement

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

BNG Statement

This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition

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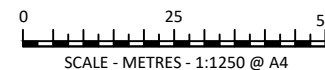
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KEY PLAN:

- SITE APPLICATION LINE
AREA - 836SQM - 0.839 HECTARES
- SITE APPLICATION LINE
AREA - 730SQM - 0.730 HECTARES

REV	DATE	DESCRIPTION	DRAWN/CHECK
REVISION NOTES			
PLANNING			
mbh MBH Design Studio Ltd. Rosemount House, Rosemount Avenue, West Byfleet, Surrey, KT14 6LB www.mbhstudio.com t: 01932 352 727 f: 01932 351 545			
CLIENT			
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PROJECT			
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<u>Location:</u>	Land At New Pound Farm East Side Of Old Hale Way Hitchin Hertfordshire SG4 0SA
<u>Applicant:</u>	Mr Bruce Parker
<u>Proposal:</u>	Erection of one detached dwelling.
<u>Ref. No:</u>	26/00262/FP
<u>Officer:</u>	Thomas Howe

Date of expiry of statutory period:

30 March 2026

Extension of statutory period:

8 October 2026

Reason for Delay:

To overcome planning objections, and to find a suitable committee date.

Reason for Referral to Committee:

Councillor Ian Albert has called the application into planning control committee on 30 March 2026 in agreement with the objections from Ickleford Parish Council. Other reasons include the harm to the openness of the Green Belt and does not overcome concerns raised in the previous application for the same site.

1.0 Site History:

- 1.1 24/02009/FP - Erection of one detached 2-bed farm workers dwelling. – Refused. Appeal Dismissed (Appeal Ref: APP/X1925/W/25/3362553)
- 1.2 24/01920/FP - Altered vehicular access to facilitate the use of land as a community car park together with the installation of new gates and fencing and associated landscaping. - Refused
- 1.3 24/00577/FP - Side lean-to pole extension and external steps. Insertion of rear windows and solar panels to existing side roofslope to facilitate additional storage at first floor level. – Conditional Permission
- 1.4 22/02694/AG - Single storey side extension to existing agricultural barn – Prior Approval not Required
- 1.5 22/02693/AG - Erection of polytunnel – Prior Approval not Required

1.6 20/00617/AG - Agricultural building to store machinery and other such equipment required to farm the land. - Prior Approval not Required

1.7 21/01962/FP - Retention of new vehicular/pedestrian bridge over the River Hiz and new farm track (retrospective application) – Conditional Permission

2.0 **Policies:**

2.1 Decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application. If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.

2.2 Section 38(5) of the Planning and Compulsory Purchase Act 2004 sets a hierarchy of development plan documents and material considerations such as the NPPF, in that where a conflict is identified, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

2.3 **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 SP9: Design and Sustainability

Policy HS3: Housing mix

Policy D1: Sustainable Design

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy NE2: Landscape

Policy NE4: Biodiversity and geological sites

Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems

Policy NE10: Water conservation and wastewater infrastructure

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

Chapter 2. Plan making policies

PM13: Setting standards

Chapter 4. Achieving sustainable development

S3: Presumption in favour of sustainable development

S5: Principle of development outside settlements

Chapter 12. Making effective use of land

L3: Achieving appropriate densities

Chapter 13. Protecting green belt land.

GB7: Development which is not inappropriate in the Green Belt

Chapter 14. Achieving well-designed places

DP3: Key principles for well-designed places

DP4: The design process

Chapter 15. Promoting sustainable transport

TR2: Local parking standards

TR3: Locating development in sustainable locations

2.5 Vehicle Parking at New Developments SPD

3.0 **Representations:**

3.1 **Neighbour Consultation** – 15x Objections:

- Notes previous refusals both under delegated powers and at appeal.
- Sole difference is the use of the dwelling rather than its location or appearance.
- References previous refusals on green belt grounds.
- No planning benefits from granting the development.
- Lack of new evidence or justification for the development.
- Would enable Hitchin's outward sprawl into the Green Belt.
- Would enable development between Hitchin and Ickleford, resulting in their merger and loss of identity.
- Harm to openness of the Green Belt.
- Lack of justification, Very Special Circumstances or evidence to overcome harm to the Green Belt.
- Makes a contribution to the openness, character, and biodiversity of the area.
- Land maintains an important Green Belt gap between Hitchin and Ickleford.
- Question of various applications for this and the wider site.
- Lack of a functional need for a dwelling in this location in relation to agricultural uses.
- Harm to nearby chalk stream.

1x Support:

- Does not view the development as being a significant erosion if at all of the Green Belt.
- Consolidates Green Belt by acting as passive security for wider holdings.
- Sympathetic design.
- Welcomes variation in design from larger executive homes.
- Benefits from revenues from the land.
- Reduction in vandalism and intrusion within the site.

3.2 **Hitchin Forum** – Objection. Lack of a demonstrated need. Cumulative impacts of development within the site.

3.3 **Parish Council** – Objection.

- Site is within the Green Belt. Undermines purposes of the Green Belt and would allow for encroachment into the countryside. Harm to openness.
- Site is important for preserving the green belt between Hitchin and Ickleford.
- Concerns regarding the proximity to a chalk stream nearby.
- Increase in water runoff into water courses.
- Harm to nearby wildlife corridor and associated wildlife near to the site.

- Weight should be given to previous refusal and dismissed appeal on the site. Permanent harm to the Green Belt was concluded by appeals inspector.
 - No material change in circumstances since previous determinations to warrant approval.
 - Lack of justification for the development of the site.
 - Concern regarding cumulative development within this and the wider holding.
 - Limited public benefits associated with the development.
- 3.4 **Ecology** – No Objection. Development would fall within the ‘de minimis’ exemption for delivering BNG. Recommends condition for the implementation of ecological measures set out within the July 2024 EIA submitted with the application.
- 3.5 **Environmental Health** –
- Contaminated Land – Recommends condition.
- Noise – No Objections.
- Air Quality – Recommends EV Charger Condition.
- 3.6 **Highways** – Does not wish to restrict grant of permission. Notes access is via a private owned track, limiting their ability to comment.
- 3.7 **Waste and Recycling** – No objection.
- 3.8 **Environment Agency** –
- May 2026 – Objection. Seeks submission of a Flood Risk Assessment (FRA)
- 4.0 **Planning Considerations**
- 4.1 **Site and Surroundings**
- 4.1.1 The application site comprises a parcel of land adjacent to an existing agricultural barn. At present it serves an agricultural unit, with the predominant land use being for agricultural purposes without livestock.
- 4.2 **Proposal**
- 4.2.1 Planning Permission is sought for the erection of one detached dwelling.
- 4.3 **Key Issues**
- 4.3.1 The key issues for consideration are as follows:
- The principle of the development.
 - The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
 - The impact that the proposed development would have on the living conditions of neighbouring properties.

- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

Principle of Development:

- 4.3.2 This proposal is effectively a replica of the previously appealed application, with the primary difference being that this is for market housing instead of a rural worker dwelling. The appeal inspector made the following conclusions:

"11. ...I agree with the conclusions of the GBR that the wider parcel does play a significant role in respect of purpose (a).

12. ... I find that the appeal site makes only a moderate contribution towards checking the unrestricted sprawl of large built up areas.

13. I have not been referred to any policies relating to the areas or assets in footnote 7 of the Framework (other than Green Belt) that would provide a strong reason for refusing or restricting development. I therefore find that the appeal site would constitute grey belt in line with the definition provided in the Framework.

16. I do not consider that the site plays a strategic role in the functioning of the Green Belt, consequently the appeal proposal would not affect the ability of the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. Therefore, taking my conclusions on both grey belt and the remaining Green Belt purposes into account, the appeal proposal would comply with paragraph 155 a. of the Framework

20. ...The scheme would therefore contribute to the Framework's aim to actively manage patterns of growth in support of sustainable transport objectives. As such, the development would be locationally sustainable. Paragraph 155 c. of the Framework would therefore be complied with.

26. ...Whilst some views would be more limited given the proposed positioning to the rear of the existing agricultural building and due to the presence of vegetation, the appeal proposal would nonetheless result in a noticeable reduction in visual openness. I consider the harm to openness would be moderate and localised."

- 4.3.3 On the proposal for a rural worker's dwelling, the inspector, at point 17. concluded that there was a need for housing within the district, but at point 19. concluded that insufficient evidence was provided to conclude there was a demonstrable unmet need for a rural worker's dwelling. The conclusions of the above points are that with an identified need, the development can potentially comprise grey belt development, and the principle can potentially be supported by the 2024 NPPF. The tests for Grey Belt within the 2026 NPPF are similar, and it is not considered that the updated NPPF prejudices these conclusions, and the site circumstances remain consistent since this assessment was made. An assessment is set out below.

- 4.3.4 The East Herts, North Herts and Stevenage Green Belt assessment, prepared by LUC, was published on June 16, 2026. This concludes that the wider HN16 parcel, that the site is within, makes a strong contribution to Purpose A and a weak/no contribution to Purposes B and D. Policy GB2 (1.) of the NPPF. The conclusion of which is that Parcel HN16 does not comprise Grey Belt land. This is acknowledged, however, it is considered

that the modest scale of the development is not considered to undermine the contributions made by the parcel as a whole to the Green Belt. Furthermore, the location of the development in line with the existing barn and adjacent to other built form and the presence of features such as the bund to constrain development, are considered to suitably mitigate these impacts to the purposes of the Green Belt, therefore complying with Policy GB7 (g. i.) of the NPPF. The proposal is for market housing, and the provision of a dwelling on a windfall site outside of a settlement would be supported by Policy S4 (j. i.) of the NPPF given the district cannot demonstrate a 5-year housing land supply, and the site would be well-related to an existing settlement, in this case Hitchin, and can be accommodated by existing infrastructure. This would therefore comply with Policy GB7 (g. ii.) as an evidenced need for housing within the district is identified. Given the site's proximity to Hitchin and Ickleford, I do not consider that the site is unsustainable, with bus stops and other amenities within walking distance, therefore complying with Policy GB7 (g. iii.) and Policy TR3 of the NPPF. The principle of the development would therefore be supported and the development would comply with Policy SP5 of the North Herts Local Plan 2011-2031.

Sustainability:

- 4.3.5 The three pillars of sustainable development are the economic, social and environmental pillars. The proposal would provide economic benefits by the use of local contractors and businesses for construction, maintenance and other servicing when occupied. Social benefits would arise from the provision of 1 dwelling to contribute to the district housing land supply, which the LPA cannot presently demonstrate a 5-year housing land supply. The site is considered to be in a sustainable location due to its proximity to nearby settlements, with various amenities, and public transport nodes being in relative proximity to the site. Therefore, the sustainability of the development is acceptable.

Design and Appearance:

- 4.3.6 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main building in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Chapter 14 of the National Planning Policy Framework.
- 4.3.7 The proposed building would utilise a bespoke and interesting design, incorporating varying built forms, a round apple store and a varied materials pallet. It would be obscured from view from Old Hale Way but would be visible from visitors to the adjacent allotments and by walkers using the right of way through the site, heading towards the railway line. Given the agrarian setting, I consider that the appearance of the building would be acceptable and would not detract from or undermine the local vernacular. Access would be provided via a track off Old Hale Way, parallel to the access to the allotments, with a gate shown on the site plan, though no details of its appearance have been provided. I consider that a suitably worded landscaping condition can approve details of the gate pre-commencement. Details of landscaping were not provided with the application, however, the retention of trees and the planted bund to the western boundary would be welcomed. The provision of further details of hard and soft landscaping as part of a condition is considered to sufficiently deliver an acceptable landscaping scheme.

- 4.3.8 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and policies DP3 and DP4 Chapter 14 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Standard of Amenity for Future Occupiers:

- 4.3.9 The proposed internal floor space for the dwellings would meet the minimum space required for a dwelling of this size, as required by the Nationally Described Space Standards. Amenity space is provided around the dwelling. Overlooking and dominance are not considered to arise from the existing dwellings on Old Hale Way, and the use of the allotments and rights of way are not considered to be harmful, and I therefore consider that the amenities of future occupiers would be suitably served by the buildings and garden areas. The existing agricultural use within the site and in proximity is noted, however, it is unlikely to be significantly noise generating, with infrequent vehicles visiting the site.

Impact on Neighbouring Properties:

- 4.3.10 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 4.3.11 Given the dwelling's isolated location in relation to nearby residential dwellings, I do not consider that its presence would result in dominance or losses of light and privacy for nearby residents.
- 4.3.12 Given the above, it is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Highways and Parking:

- 4.3.13 The dwelling would benefit from off-street parking for 2 vehicles, therefore meeting the requirements of the Parking at New Developments SPD. Hertfordshire Highways have not objected to the proposed development, and therefore it is considered that the proposed development would not have an unacceptable impact upon the safe operation of the highway in the area.

Environmental Implications:

- 4.3.14 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Chapter 18 of the NPPF. The site is in proximity to the River Hiz and is close to flood zone 3. No development is proposed within the flood zone. Subject to receipt of a No Objection from the Environment Agency, the development is not considered to occasion unacceptable harm in the form of flood risks.
- 4.3.15 The North Herts Ecologist has raised no objections and advises that the development falls within the de minimis exemption for delivering nationally required BNG. An Ecological Impact Assessment has made recommendations for enhancements, also concluding that there would be no protected species negatively impacted by the

proposal. A condition requiring the implementation of the enhancements is recommended and I consider this to be reasonable.

Other Matters:

- 4.3.16 The planning agent has agreed to the pre-commencement conditions recommended by consultees and by the planning officer. These are considered to be reasonable and relevant to the application. The restriction of permitted development rights would allow for NHC to prospective harms to the openness of the Green Belt in this location.

4.4 Conclusion and Planning Balance

- 4.4.1 Subject to the withdrawal of the objection from the Environment Agency, it is considered that the proposed development is acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Although the appeal inspector previously concluded that the development would occasion moderate, but localised harm to the openness of the Green Belt, this harm and no other harms are identified to substantially outweigh the benefits of the provision of housing within this site, as described by Policy S1 of the NPPF. Grant conditional permission.
- 4.4.2 The proposed development is considered acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 Alternative Options

- 4.5.1 None applicable.

5.0 Recommendation

- 5.1 That planning permission be **GRANTED** subject to the receipt of no objection from the Environment Agency and the addition of any recommended conditions and the following conditions:

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

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

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

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

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

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

4. All ecological measures and/or works shall be carried out in accordance with the details contained in the July 2024 Ecological Impact Assessment as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the development proceeds in accordance with Policy NE4 of the North Hertfordshire Local Plan.

5. 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 Preliminary Risk Assessment report documenting the ground conditions of the site with regard to potential contamination;
- A Generic Quantitative Risk Assessment (where shown to be necessary by the Preliminary Risk Assessment);
- A Detailed Quantitative Risk Assessment (where shown to be necessary by the General Quantitative Risk Assessment)
- A Remedial Options Appraisal and Remediation Strategy (where shown to be necessary by the Detailed Quantitative Risk Assessment).

All such work shall be undertaken in accordance with Land Contamination Risk Management (Environment Agency, 2023) or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

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

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

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

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

Reason: To ensure the development is comprehensively landscaped in the interests of visual amenity. Local Plan Policies D1 and N2.

Proactive Statement:

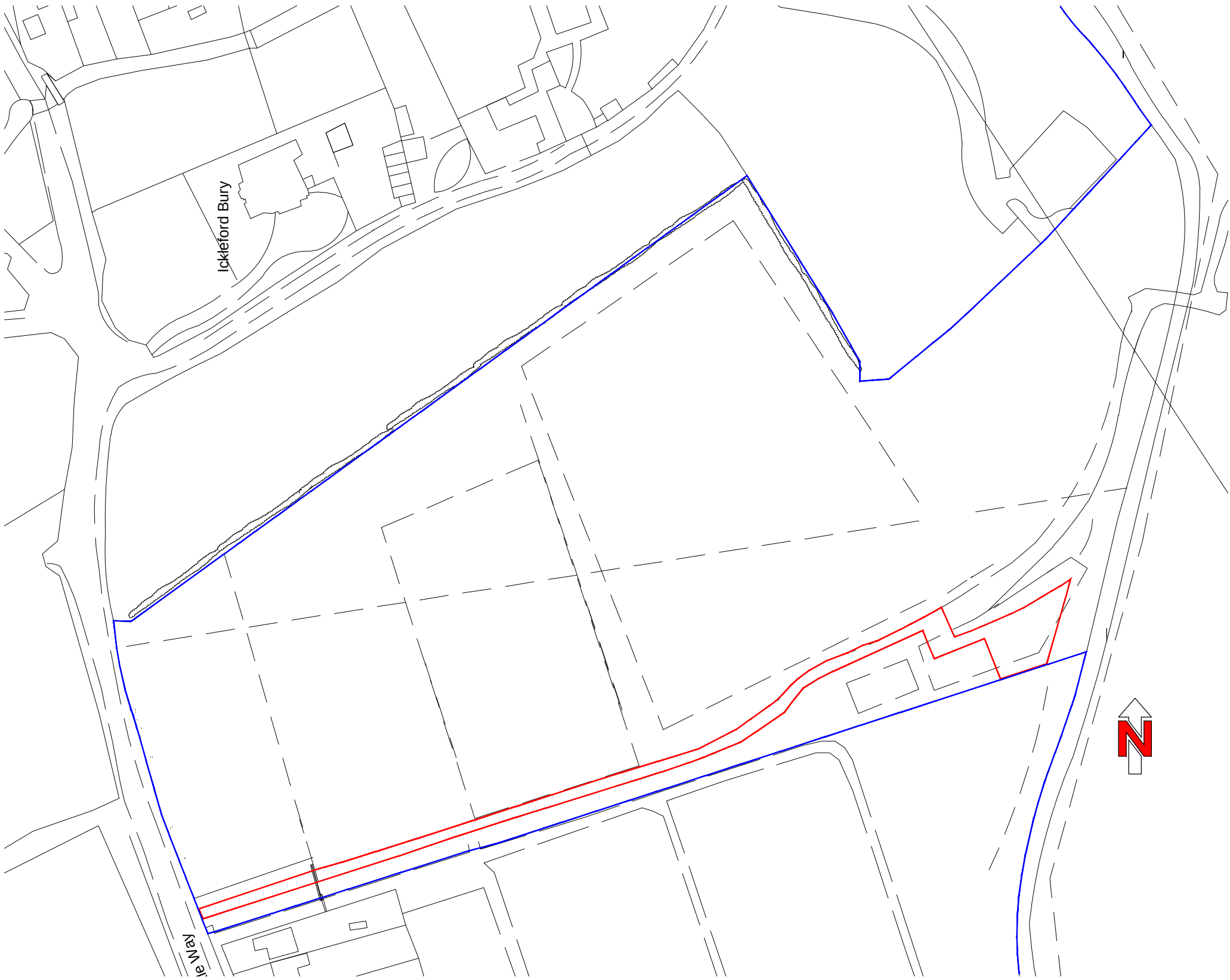
Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country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

Informative/s:

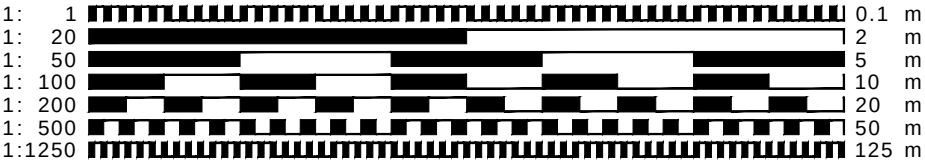
1. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>
The Biodiversity Gain Plan should be submitted as an 'application for approval of details reserved by condition following grant of planning permission' via the Planning Portal.

2. External materials informative:

Further to condition 3 (external materials), with regards to submitting details to the Council when an application to discharge the condition is made, in the first instance please provide a website link / photographs / brochure details of the proposed material choice. If it is necessary to submit an actual sample, this Council will only accept a single brick or tile or sample panel without prior agreement. If you need to submit a sample larger than this, please contact the named case officer for your discharge of condition application to determine if the materials are to be viewed on site or if it / they can be delivered to the NHDC Council Offices. In the event that a larger sample is delivered to the Council Offices please ensure that you arrange collection / removal of the sample once the discharge of condition application is agreed.



Site Location Plan scale 1:1250



o CLIENT MUST SEEK SEPARATE SPECIALIST ADVICE ON PARTY WALL MATTERS IN SUFFICIENT TIME TO SERVE ALL NOTICES IF REQUIRED

o ALL STRUCTURAL ELEMENTS ARE INDICATIVE ONLY AND SUBJECT TO FULL STRUCTURAL DESIGN BY STRUCTURAL ENGINEER - ALL DESIGN IS SUBJECT TO STRUCTURAL DESIGN TO BE PROVIDED BY OTHERS

o THIS DRAWING IS FOR PLANNING APPROVAL ONLY AND SUBJECT TO ALL OTHER RELEVANT STATUTORY APPROVALS

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FOR APPROVAL

CONTRACT
Proposed Dwelling :
Old Hale Way, Ickleford, Hitchin,
Hertfordshire

DRAWING TITLE
Site Location Plan

SCALE 1:1250@A3 DRAWING NUMBER REVISION

DATE Jan 2026 PO3

DRAWN JEI

JOB NUMBER RSD-22-02 CHECKED BY

redshed design telephone: 01462 807175, 07884008970
45 Hoo Road fax: 01462 807175
Meppershall e-mail: james/karen@redsheddesign.co.uk
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SG17 5LP

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<u>Location:</u>	1 And 3 Priory Lane Little Wymondley Hitchin Hertfordshire SG4 7HE
<u>Applicant:</u>	Mr Ray Carter
<u>Proposal:</u>	Erection of one pair of semi-detached dwellings and one detached dwelling to include cycle stores, hard and soft landscaping and parking following demolition of the existing commercial buildings. Alterations to existing vehicular access (as amended by plans rec'd 9 March 2026).
<u>Ref. No:</u>	26/00021/FP
<u>Officer:</u>	Thomas Howe

Date of expiry of statutory period:

16 March 2025

Extension of statutory period:

8 October 2026

Reason for Delay:

To overcome planning objections, and to find a suitable committee date.

Reason for Referral to Committee:

Councillor Dominic Griffiths has called the application into planning control committee on 23rd April 2026 to support the Parish Council's objections.

1.0 **Site History**

Adjoining Site:

- 1.1 21/02383/FP - Erection of one detached 4-bed dwelling. – Conditional Permission

2.0 **Policies**

- 2.1 Decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application. If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.

2.2 Section 38(5) of the Planning and Compulsory Purchase Act 2004 sets a hierarchy of development plan documents and material considerations such as the NPPF, in that where a conflict is identified, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

2.3 **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 SP9: Design and Sustainability
Policy HS3: Housing mix
Policy D1: Sustainable Design
Policy D3: Protecting living conditions
Policy D4: Air quality
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE10: Water conservation and wastewater infrastructure

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

Chapter 2. Plan making policies

PM13: Setting standards

Chapter 4. Achieving sustainable development

S3: Presumption in favour of sustainable development

S4: Principle of development within settlements

Chapter 12. Making effective use of land

L3: Achieving appropriate densities

Chapter 14. Achieving well-designed places

DP3: Key principles for well-designed places

DP4: The design process

Chapter 15. Promoting sustainable transport

TR2: Local parking standards

TR3: Locating development in sustainable locations

2.5 Vehicle Parking at New Developments SPD

3.0 **Representations**

3.1 **Neighbour Consultation – 10x Objections:**

- Not a suitable location for residential development.

- Harm to privacy levels from existing dwelling adjacent and a loss of outlook. Exacerbation of these amenity concerns.
- Loss of businesses presently in operation within the site resulting in a loss of economic/social contributions to the area.
- Potential parking and traffic issues associated with increase in vehicles within or travelling to the site.
- Loss of a community asset.
- Potential oversubscription of nearby services
- Concerns of soil subsidence

3.2 **Archaeology** – “The proposal is largely over the footprint of existing buildings, therefore in this instance, we have no comments to make on the proposal.”

3.3 **Environment Agency** – February 2026 – Objection:

- Flood Risk Assessment relies on modelling that has not been submitted for review. Seeks modelling for consideration.

3.4 **Ecology** – No Objection. Recommends standard Biodiversity Gain Condition. Bound to delivering nationally required BNG.

3.5 **Environmental Health** –

Noise – No objection.

Contamination – Given the history of the land, and the nature of the proposal, recommends inclusion of phased contamination condition.

Air Quality – Recommends standard EV Charger condition and informative.

3.6 **Highways** –

24 February 2026 – Recommends refusal. Seeks submission of access drawings.

31 March 2026 – Does not wish to restrict the grant of permission. Provides conditions seeking implementation of access, and for a Construction Traffic Management Plan. Also offers informatives.

3.7 **Wymondley Parish Council** – Objection:

- Out of keeping, intensive form of development. Cramped appearance. Inconsistent with spacious character of the area. History of subsidence.
- Erosion of local character and harm to visual amenity due to dense nature of the development. Contrary to Wymondley Neighbourhood plan.
- Loss of amenity for neighbouring properties. Overlooking and losses of privacy. Overshadowing and losses of light for gardens. Overbearing and sense of enclosure.
- Exacerbation of road congestion. Compromises highway safety. Insufficient parking provision and access arrangements.
- Drainage infrastructure insufficient. Water runoff may be exacerbated by hardstanding. Increase in local flood risk.
- Loss of employment and a local business within the site.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site comprises a parcel of land at the corners of Priory Lane and Priory View. The site is within the Little Wymondley settlement boundary and is partially within Flood Zone 2, with some risks of surface water flooding.

4.2 **Proposal**

4.2.1 Planning Permission is sought for:

- The erection of a pair of semi-detached two storey dwellings.
- One detached two storey dwelling.
- Associated cycle stores, hard and soft landscaping, parking and alterations to the existing vehicular access.
- All works to follow the demolition of the existing commercial buildings.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The principle of the development.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

Principle of Development:

4.3.2 The site is within the adjusted settlement boundary of Little Wymondley, wherein Policy SP2 permits housing. Therefore, the principle for the erection of dwellings in this location is supported. Policy S4, point 1. Within the NPPF advises how development proposals within the settlement should be approved unless the benefits would be substantially outweighed by any adverse effects. Turning to the proposed removal of the business premises from the site, Policy ETC7 of the North Herts Local Plan 2011-2031 would be triggered. As existing, the site is in Sui Generis uses for vehicle sales, and a funeral director. Part a) of the policy permits the loss of an existing shop or service within a village provided there is a similar use within a walkable 800m distance, and subject to the proposed replacement use being complementary to the function and character of the wider area. To the north of the site is Wymondley Hall Farm, approximately a 150-200m walk from the site to the east along Stevenage Road is a car sales unit, and to the west, along Stevenage Road is Elms Yard industrial area, between 300-400m walk from the site. It is considered that these sites are within suitable proximity and walkable distance to comply with part a) of Policy ETC7. Turning to part b), the proposal seeks to introduce residential dwellings, with the predominantly land use being for terraced or semi-detached residential dwellings. It is therefore considered that the proposal would be

complementary to the prevailing land uses and character of the area. Therefore, the provisions of Policy ETC7 as a whole would be complied with.

Sustainability:

- 4.3.3 The three pillars of sustainable development are the economic, social and environmental pillars. The proposal would provide economic benefits by the use of local contractors and businesses for construction, maintenance and other servicing when occupied. It is noted that the businesses at the site would be lost, a matter raised by the Parish Council, however, given the minor scale of the business operations within the site, it is not considered that the loss of this employment uses would cause such economic harm that it would warrant refusing the application. Furthermore, Social benefits would arise from the provision of 3 dwellings to contribute to the district housing land supply, which the LPA cannot presently demonstrate a 5-year housing land supply. The site is considered to be in a sustainable location due to its location within Little Wymondley, with various amenities, and public transport nodes in relative proximity to the site. It is considered that the identified employment loss would not substantially outweigh the associated benefits with housing delivery on a windfall site, as described by Policy S4 of the NPPF. Furthermore, as described within section 4.3.2, the development is considered to comply with Policy ETC7 of the North Herts Local plan 2011-2031 when considering the loss of facilities outside of retail hierarchy. Therefore, the sustainability of the development is acceptable.

Design and Appearance:

- 4.3.4 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main building in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Chapter 14 of the National Planning Policy Framework.
- 4.3.5 The proposed development can be split into two distinct elements. The first is the erection of the detached dwelling, 'House 1', and the erection of the pair of the semi-detached dwellings, 'Houses 2 and 3'.

Appearance

- 4.3.6 The proposed dwellings would be constructed from red brick to their plinth, buff brick to the main body, grey slate tiles to their roofs and grey UPVC to their windows & doors. The built form of the dwellings would comprise a two storey dwelling, with single storey front and rear projections. The dwellings would feature solar PV panels and rooflights to their principal roof slopes. Their appearance would be similar to the existing adjacent dwelling but would not feature the dormer window that this neighbour benefits from. It is noted that this dwelling is a recent addition to the area, and given the similarity in their appearance, would not result in the development appearing out of place in this location.

Layout and Access

- 4.3.7 The dwellings would utilise existing dropped kerbs and would require the alteration of dropped kerbs to provide off-street parking. The layout proposed 'House 1' adjacent to the existing neighbour to the south, with Houses 1 and 2 to the north, with all three dwellings facing onto Priory Lane. Each dwelling would benefit from on-plot parking,

though House 3's parking would be to the rear corner of the site, at a right angle to Priory Lane, and accessed off Priory View. House 3 would benefit from a wrap around garden from the principal boundary to the rear and side.

Landscaping

- 4.3.8 The proposed hard landscaping scheme would comprise pavements to the driveway areas, paving slabs to the patios/walkways and fencing to surround each plot. Grassed gardens and the retention of trees would comprise the soft landscaping scheme. Overall, the proposed landscaping scheme is considered to be acceptable and would be similar to other dwellings in the local area.
- 4.3.9 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and the core principles set out within policies DP3 and DP4 within Chapter 14 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Standard of Amenity for Future Occupiers:

- 4.3.10 The proposed internal floor space for the dwellings would exceed the minimum space required for dwellings of this size, as required by the Nationally Described Space Standards. Amenity space is provided to the front and rear. Overlooking and dominance are not considered to arise from the existing dwellings close to these plots, and I therefore consider that the amenities of future occupiers would be suitably served by the buildings and garden areas. The development would therefore comply with the provisions of Policies D1 and D3 of the North Herts Local Plan 2011-2031 and Policy PM13 of the NPPF.

Impact on Neighbouring Properties:

- 4.3.11 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 4.3.12 The application site is neighboured to the west by No. 32 Priory View, to the north by No. 1-4 Rose Cottages, to the east by No. 4-8 Priory Lane and by No. 1a Priory Lane to the south. The proposal would seek to enlarge the bulk of the site by replacing the existing single storey flat roofed structure with a double storey with a pitched roof. The dwellings would not project significantly beyond the rear elevation of No. 1a to the south and would therefore not substantially dominate or overbear this property. Furthermore, the site's position to the north would suitably mitigate prospective direct sun light loss. Properties to the north and east of the site are considered to be of a sufficient distance to mitigate prospective losses of light or from visual dominance. Furthermore, these appear to be set on a higher land level, providing further mitigation for dominance. The proposed dwellings would sit to the side elevation of No. 32 Priory View and would result in some degree of projection beyond the rear of this property, being visible over the side boundaries of their rear garden. This neighbour is set on a higher land level than the application site and the garden would experience some degree of overlooking, and this is acknowledged, however, the existing dwellings around the site would occasion some degree of overlooking and would not therefore result in the proposed development causing unacceptable privacy harms to neighbouring occupiers. The neighbour's higher land level is considered to mitigate the degree of dominance occasioned to this neighbour. Light loss is acknowledged, but is not considered to be substantial, being limited to early morning sunlight. This would not be unacceptable. It is considered

reasonable and prudent to restrict Class B Permitted development rights to mitigate this overlooking and dominance for neighbours to the rear.

- 4.3.13 Given the above, it is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Environmental Implications:

- 4.3.14 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Chapter 18 of the NPPF.
- 4.3.15 It is noted that the Environment Agency have objected, and the site is partially within Flood Zone 2. In accordance with NPPF Policy F4, a Flood Risk Assessment is submitted, and is being consulted upon with the Environment Agency. Subject to their representation being received that would withdraw objections based on updated information received 7 September 2026, it is considered that flood risks would not be unacceptable. The submitted planning statement advises that the sequential test, as described and required by Policy NE7 of the North Herts Local Plan 2011-2031, was applied to the development, and concludes that there are no other suitable sites within the search area, which is the wider Little Wymondley area. No land is currently for sale, suitable for accommodating this development. Furthermore, the statement concludes that the exception test would be passed based on the development resulting on a net improvement to wider drainage within this part of Little Wymondley when compared to the existing arrangement.
- 4.3.16 The development is bound to delivering nationally required BNG, and therefore, Ecology have recommended the standard condition. No objection is received from Ecology with regards the demolition works or the wider development of the site.

Highways:

- 4.3.17 The proposed development would seek to deliver on-plot parking via a dropped kerb directly off Priory Lane for plots 1 and 2 and onto Priory View for plot 3. Each dwelling would benefit from 2 No. parking spaces and would therefore meet the minimum parking standards for NHC. Highways have not objected to the proposed development and the wider access arrangements proposed, and therefore, impacts upon nearby parking levels and the operation of the Highway would not be unacceptable.

Other Matters:

- 4.3.18 The planning agent has agreed to the pre-commencement conditions recommended by consultees and by the planning officer. These are considered to be reasonable and relevant to the application, and would ensure a suitable design, mitigate any highway harms, and ensure a suitable relationship with neighbouring occupiers. The restriction of permitted development rights would allow for NHC to control the erection of dormer windows to mitigate overlooking and dominance for neighbours to the rear of the site.

4.4 Conclusion and Planning Balance

- 4.4.1 Subject to the withdrawal of the objection from the Environment Agency, it is considered that the proposed development is acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. No harms are identified to substantially outweigh the benefits of the provision of housing within this site, as described by Policy S1 of the NPPF. Grant conditional permission.

4.5 **Alternative Options**

- 4.5.1 None applicable.

5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED** subject to a response being received from the Environment Agency withdrawing their objection and with any conditions requested being added, and the following conditions:

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

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

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

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

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

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

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

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

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

Reason: To ensure the development is comprehensively landscaped in the interests of visual amenity. Local Plan Policies D1 and N2.

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

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

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

All such work shall be undertaken in accordance with BS:10175:2011+A2:2017 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

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

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

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

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

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

9. Prior to the first occupation hereby permitted the vehicular access as indicated for improvement on drawing number (Ref- P002 , Rev-F) shall be widened including all parking areas for car and cycles shall also be provided. Prior to use 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 construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

10. No development shall commence until a Construction Traffic Management Plan 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:
- 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 BS 5228 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.

I. 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 minimise danger, obstruction, and inconvenience to users of the highway and of the premises

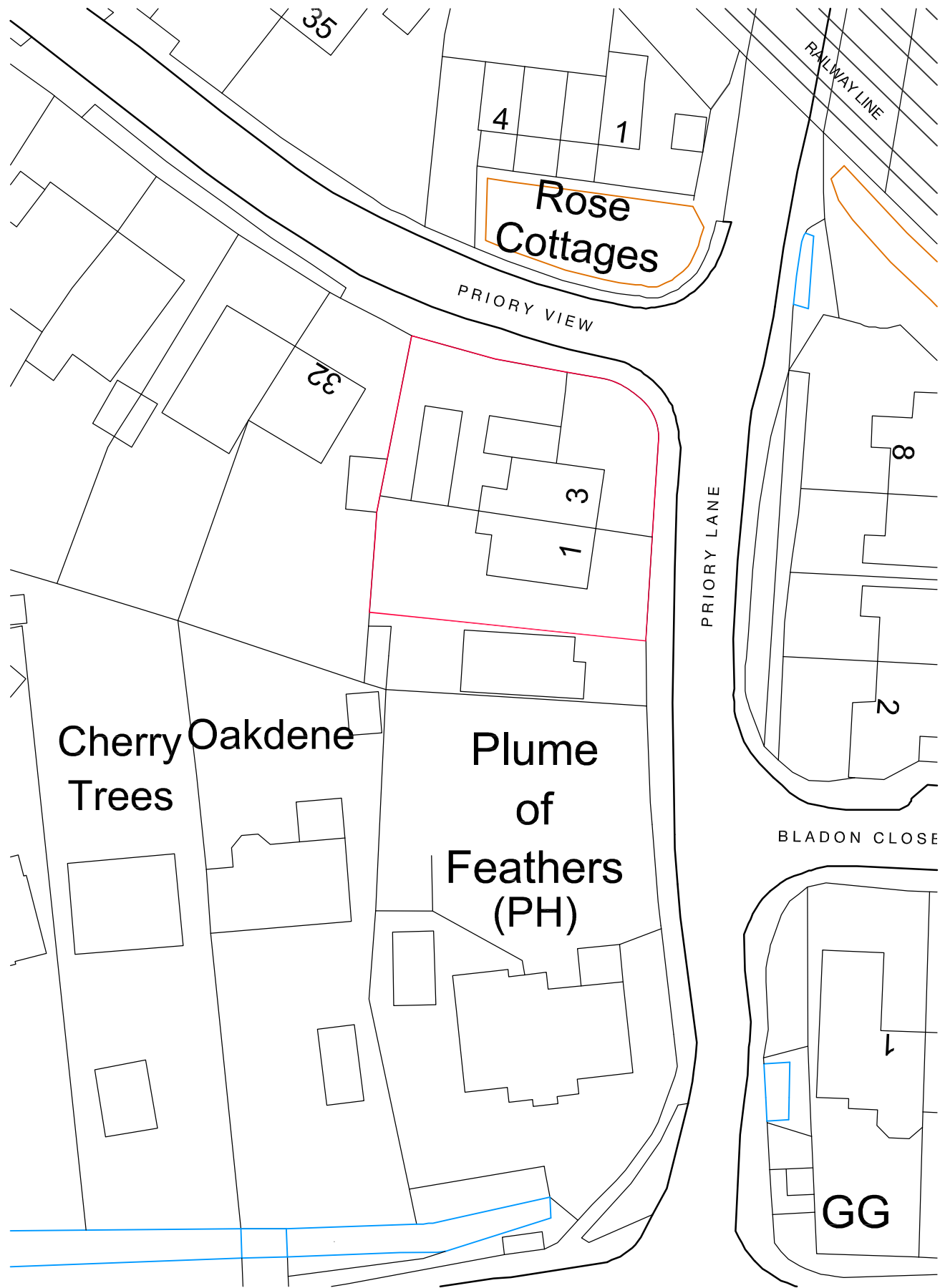
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class B of Part 1 (and any further new class that may be introduced by way of an update) of Schedule 2 to the Order, (or any subsequent Statutory Instrument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

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the amenities of neighbouring occupiers and 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.

Proactive Statement:

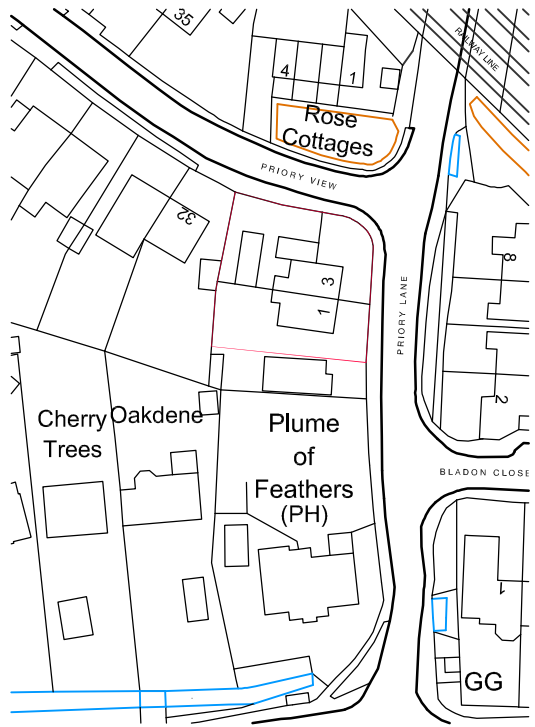
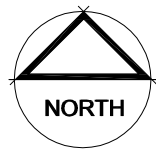
Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph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

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BLOCK / SITE PLAN

Scale 1:500 0 5 12.5 25 50m



LOCATION PLAN

Scale 1:1250 0 10 30 60 120m

CLIENT:
Mr. R. Carter - 24 Froghall Lane, Walkern, Hertfordshire, SG2 7PH

PROJECT:
New Houses

ISSUE STATUS:
Planning

TITLE:
Location, Block & Site Plans

SCALE: 1:500, 1:250 @A3
DATE: Oct '25

PROJECT No:
2437

DRAWN BY: drw
CHECKED:

DWG No:
P 001

REV:
A

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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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**PLANNING CONTROL COMMITTEE
PLANNING APPEALS LODGED**

DATE: 01 October 2026

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
PMC Consultants	08 September 2026	Erection of one 4-bed dwelling following demolition of existing barn (renewal of previously approved planning permission 20/01742/FP granted 16.10.2020)	Barn To The West Of Bedford Road Holwell	25/03110/FP	Written Representations
Critchley	09 September 2026	Single storey front porch extension. Alterations to fenestration.	25 West Lane Pirton SG5 3RA	26/01541/FPH	Householder Appeal Service
Mr Julian McGlynn	11 September 2026	Installation of additional vehicular crossover, front boundary wall and entrance gates (development has commenced).	14 Cashio Lane Letchworth Garden City SG6 1AX	24/02675/FPH	Householder Appeal Service

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PLANNING CONTROL COMMITTEE**DATE: 17 September 2026****PLANNING APPEALS DECISION**

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Joseph Campion And Georgia Napper	Erection of one self-build detached dwelling following demolition of the existing semi-detached dwelling including amenity space, landscaping, parking and widening of existing vehicular access/driveway.	11 Kingswood Avenue Hitchin SG4 0PA	26/00109/FP	Appeal Allowed on 03 September 2026	Delegated	The Inspector concluded that the proposal would respect the character and appearance of the area. It would therefore accord with Policies D1 (Sustainable design), D2 (House extensions, replacement dwellings and outbuildings), and SP9 (Design and sustainability) of the North Hertfordshire Local Plan 2011-2031 (Adopted November 2022) which support proposals that respond positively to the site's local context, and do not harm or have an adverse impact on the character and appearance of the site or the street scene and area.

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Appeal Decision

Site visit made on 10 August 2026

by MG Garrard LLB (Hons), PGDip.LP, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 3 September 2026

Appeal Ref: 6008022

11 Kingswood Avenue, Hitchin, Hertfordshire SG4 0PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Joseph Campion & Georgia Napper against the decision of North Herts Council.
 - The application Ref is 26/00109/FP.
 - The development proposed is demolition of the existing semi-detached dwelling and erection of a replacement two-storey detached dwellinghouse with associated amenity space, landscaping, revised vehicular access/driveway and parking, and associated drainage works.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing semi-detached dwelling and erection of a replacement two-storey detached dwellinghouse with associated amenity space, landscaping, revised vehicular access/driveway and parking, and associated drainage works at 11 Kingswood Avenue, Hitchin, Hertfordshire SG4 0PA in accordance with the terms of the application, Ref 26/00109/FP, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the Council's decision notice differs slightly from that in the application form. As there is no clear evidence of a formal amendment to the application, I have used the application form description in my formal decision save for removing reference to the use class as that does not describe an act of development.
3. The appeal has proceeded on the basis that the development would qualify for the self-build exemption from the Biodiversity Net Gain (BNG) statutory condition. As no mechanism before me secured the development as self-build, I invited comments from the main parties. Following those submissions, an executed unilateral undertaking under section 106 of the Town and Country Planning Act 1990 (1990 Act) has been provided, and the Council has had the opportunity to comment on it. Its effect is considered below.
4. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published on 17 August 2026. The main parties were given an opportunity to comment on the implications of the revised Framework for the appeal, and I have taken those comments into account in reaching my decision. References to the Framework in my decision are to the August 2026 version.

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- whether the proposal would qualify for the self-build exemption from the statutory Biodiversity Net Gain condition.

Reasons

Character and Appearance

6. The appeal site lies within a street that remains predominantly characterised by semi-detached dwellings on one side facing a wide verge and open fields beyond. Many properties have been altered through extensions and remodelling, resulting in variation in their form, appearance and materials. Taken together, these changes have significantly reduced the degree of visual uniformity within the street scene.
7. The proposed replacement of the existing semi-detached dwelling with a detached dwelling would alter the form of development on the plot in contrast to the dwellings to either side. The proposal would follow the established building line and broadly reflect the height of the roofline of surrounding properties. It would retain gaps to the site boundaries on either side, and the plot has generous amenity space to the front and rear. The site would therefore accommodate the proposal without appearing cramped or contrived.
8. The appeal site occupies a position adjacent to a wider break in built development created by the electricity substation. Beyond this point, the street scene becomes more varied as it approaches a road junction, including the presence of a bungalow and properties of differing form and appearance. In this context, the detached form of the proposed dwelling would not unduly interrupt the existing rhythm of the street scene and would assimilate satisfactorily into the existing streetscape.
9. For these reasons the proposal would respect the character and appearance of the area. It would therefore accord with Policies D1, D2 and SP9 of the North Hertfordshire Local Plan 2011-2031 (Adopted November 2022) which support proposals that respond positively to the site's local context, and do not harm or have an adverse impact on the character and appearance of the site or the street scene and area.
10. It would also comply with Policy DP3 of the Framework with regard to its expectation, amongst other things, that development proposals should respond to their context so that they integrate and enhance their surroundings.

Biodiversity Net Gain (BNG)

11. Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires an application for planning permission to state whether the statutory BNG condition would apply and if not, the reasons why. Where BNG applies, further information is required to enable the statutory BNG condition to be applied and later discharged.

12. The application stated that the BNG condition would not apply because the proposal was for self-build and custom build development. That exemption can only be relied on where there is sufficient certainty that the proposal represents self-build or custom build development.
13. A unilateral undertaking dated 19 August 2026 has been submitted in relation to the appeal. The undertaking has been executed by the owner as a deed and is expressed to take effect as a planning obligation under section 106 of the 1990 Act. It secures the dwelling as a self-build dwelling and requires evidence of compliance to be provided following completion and occupation. I am satisfied that this provides sufficient certainty that the proposal would be self-build development for the purposes of the exemption relied on. Accordingly, the proposal would qualify for the self-build exemption from the statutory BNG condition, and I conclude that no conflict with the BNG statutory framework would arise.

Other Matters

14. An interested party has raised concerns regarding two trees within the open area adjoining the electricity substation. The movement of construction vehicles, plant or materials in that area could be appropriately controlled through the demolition and construction method statement condition. This matter does not therefore alter my findings on the main issues.

Conditions

15. I have reviewed the conditions suggested by the Council having regard to the tests in the Framework and the Planning Practice Guidance (PPG). I have amended some of the Council's suggested wording in the interests of clarity. Conditions addressing the statutory implementation period and listing the approved plans are necessary to provide certainty. However, I have removed reference to plans showing existing matters as compliance with those is unnecessary.
16. A demolition and construction method statement condition is necessary to ensure the orderly management of construction activities in the interests of safeguarding the living conditions of neighbouring occupiers, maintaining highway safety and to protect the adjacent open area and trees during demolition and construction. As these measures need to be agreed before any works commence, the condition is necessarily pre-commencement. A separate condition requiring the widened access to be constructed before occupation, and preventing surface water discharging onto the highway, is necessary in the interests of highway safety.
17. Notwithstanding the Council's suggested condition requiring approved landscaping details to be carried out, no landscaping details are before me, and it is not necessary or reasonable in this instance to require such details for the proposed single replacement dwelling on this existing residential site. Having regard to the advice in the Framework and the PPG regarding the removal of permitted development rights, there is no justification to remove the rights suggested by the Council in this location simply because the proposal is for a replacement detached dwelling.
18. The Council suggested a condition relating to contamination. However, as there is no substantive evidence before me that contamination is likely to be present, I am not satisfied such a condition is necessary or reasonable and I have not imposed it.

Conclusion

19. Drawing these matters together, I conclude that the proposal accords with the development plan when read as a whole. Policy S3 of the Framework indicates that proposals which accord with an up-to-date development plan and the policies of the Framework should be approved without delay. No other material considerations warrant a different conclusion.
20. Therefore, the appeal is allowed.

MG Garrard

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HD235506 D01 REV09; HD235506 D03; HD235506 D05 REV 09; HD235506 D07 REV 09; HD235506 D09.
- 3) No development shall take place, including any works of demolition, until a Demolition and Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Demolition and Construction Method Statement shall provide for:
 - i) the parking of site operatives' and visitors' vehicles;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) delivery, demolition and construction working hours;
 - viii) measures to protect trees within the adjacent open area during demolition and construction activities, including any necessary protective fencing or exclusion zones.The approved Demolition and Construction Method Statement shall be adhered to throughout the demolition and construction period for the development.
- 4) Prior to the first occupation of the dwelling hereby permitted, the widened vehicular access shall be constructed in accordance with the approved plans. Surface water from the site shall be intercepted and disposed of separately so that it does not discharge onto the public highway. The access shall thereafter be retained in accordance with the approved details.