

10 April 2026

Our Ref. Planning Control Committee 21 April 2026  
Contact. Committee Services  
Direct Dial. (01462) 474655  
Email. [committee.services@north-herts.gov.uk](mailto:committee.services@north-herts.gov.uk)

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

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

**NOTICE IS HEREBY GIVEN OF A**

**MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

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

On

**TUESDAY, 21ST APRIL, 2026 AT 7.00 PM**

Yours sincerely,

Isabelle Alajooz  
Director – Governance

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

## **Agenda** **Part I**

<b>Item</b>	<b>Page</b>
<p><b>1. APOLOGIES FOR ABSENCE</b> Members are required to notify any substitutions by midday on the day of the meeting.</p> <p>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.</p>	
<p><b>2. NOTIFICATION OF OTHER BUSINESS</b> Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.</p> <p>The Chair will decide whether any item(s) raised will be considered.</p>	
<p><b>3. CHAIR'S ANNOUNCEMENTS</b> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.</p>	
<p><b>4. PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public.</p>	
<p><b>5. 25/02401/OP LAND SOUTH OF TURNPIKE LANE, ICKLEFORD, HERTFORDSHIRE</b> REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</p> <p>Erection of up to 100 dwellings with means of access from Turnpike Lane including associated landscaping, drainage, car parking; infrastructure and all ancillary and enabling works following demolition of all existing structures (all matters reserved except means of access).</p>	(Pages 5 - 66)

6. **26/00006/FP LAND TO NORTH OF, STEVENAGE ROAD, HITCHIN, HERTFORDSHIRE** (Pages 67 - 94)  
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  
 Erection of 50no. residential dwellings (including affordable) with public open space, associated parking, landscaping and access.
7. **25/02794/RM HIGHOVER FARM, HIGHOVER WAY, HITCHIN, HERTFORDSHIRE, SG4 0RQ** (Pages 95 - 112)  
 REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  
 Reserved Matters for - Construction of Phase 1 Residential comprising 236 dwellings, associated road, drainage, servicing/utilities infrastructure, landscaping and open space provision in accordance with condition 3, 7, 10 and 11 of 18/01154/OP (and the partial discharge of associated condition 19)., The outline application was EIA development and an ES was provided. An EIA update note is provided with this Reserved Matters application.
8. **EXCLUSION OF PRESS AND PUBLIC**  
 To consider passing the following resolution: That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the said Act (as amended).
9. **PLANNING ENFORCEMENT QUARTERLY REPORT - PART 2** 113 -  
 INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION 116  
 MANAGER  
 To provide Members with a quarterly update on planning enforcement.
10. **PLANNING ENFORCEMENT QUARTERLY REPORT - PART 1** (Pages 117 - 130)  
 INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION  
 MANAGER  
 To provide Members with a quarterly update on planning enforcement.

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<u>Location:</u>	<b>Land South Of Turnpike Lane Ickleford Hertfordshire</b>
<u>Applicant:</u>	<b>c/o Company</b>
<u>Proposal:</u>	<b>Erection of up to 100 dwellings with means of access from Turnpike Lane including associated landscaping, drainage, car parking; infrastructure and all ancillary and enabling works following demolition of all existing structures (all matters reserved except means of access)</b>
<u>Ref. No:</u>	25/02401/OP
<u>Officer:</u>	<b>Paul Chaston</b>

### **Date of expiry of statutory period**

Sunday 01 February 2026

### **Extension of statutory period**

Wednesday 22 April 2026

### **Reason for Delay**

Discussions and negotiations on various technical aspects including masterplanning, further information received and additional consultation exercise that was undertaken as a result.

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

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

## **1.0 Site History**

1.1 No planning history for this site.

## **2.0 Policies**

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

Adopted 8 November 2022.

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

## 2.2 **Ickleford Neighbourhood Plan**

Policy E1 – Maintaining Separation  
Policy E2 – Protecting the Landscape  
Policy E3 – Rural Character  
Policy E4 – Biodiversity  
Policy SD2 – New Housing Development  
Policy SD3 – High Quality Design  
Policy SD4 – Provision of Energy Efficient Buildings  
Policy SD5 – Water Management  
Policy C2 – Recreation and Green Spaces  
Policy MTT1 – Provision for Pedestrians, Cyclists and Horseriders

## 2.3 **National Planning Policy Framework (NPPF)**

Section 2: Achieving sustainable development  
Section 5: Delivering a sufficient supply of homes  
Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places  
Section 13: Protecting Green Belt land  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment

## 2.4 **Supplementary Planning Documents**

Design SPD (2011)  
Planning Obligations SPD (2023)  
Vehicle Parking Provision at New Development SPD (2011)  
North Hertfordshire and Stevenage Landscape Character Assessment

## 2.5 **Hertfordshire County Council**

Local Transport Plan (LTP4 – adopted May 2018)  
Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012)

## 2.6 **National Planning Practice Guidance**

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

## 3.0 **Representations**

### **Consultees**

#### 3.1 **Ickleford Parish Council** – Objects to the application on the following grounds:

- Loss of natural 'Green Belt Barrier' between Ickleford and Hitchin.
- Concerns over the true cost of the affordable homes to the residents.
- Existing capacity of the drainage and sewerage infrastructure.
- Effect upon the River Oughton and River Hiz chalkstream.
- Potential for archaeological interest at the site.
- Effect upon wildlife and ecology.
- Impact upon Ickleford in terms of increased traffic and congestion.
- Reliance of residents upon private car use versus sustainable modes of transport.

#### 3.2 **NHDC Environmental Health (Contaminated Land)** – No objection regarding contamination, subject to condition requiring a Phase II Site Investigation environmental risk assessment report to be undertaken and any subsequent phases and remediation, if necessary.

#### 3.3 **NHDC Environmental Health (Noise)** – No objection.

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

#### 3.5 **NHDC Waste and Recycling** – No comments.

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

- 3.7 **NHDC Greenspace Manager** – No comments.
- 3.8 **NHDC Housing Supply Officer** – Based on 100 dwellings overall and a 50% affordable housing requirement, in accordance with the Local Plan, this equates to the provision of 50 affordable dwellings.
- Within the overall 50% affordable housing requirement, a 65%/35% rented/other intermediate tenure split is required in accordance with the Council's Planning Obligations SPD and the 2023 Strategic Housing Market Assessment (SHMA). This, of the 50 affordable units: 33 rented units and 17 intermediate tenure units should be provided to meet housing need.
- 3.9 **NHDC Urban Design Officer** – No objection subject to conditions to secure parameter and framework plans and master planning principles.
- 3.10 **NHDC Ecologist** – No objection subject to conditions.
- 3.11 **HCC Highways** – No objection subject to conditions.
- 3.12 **HCC Growth and Infrastructure** – No objection subject to financial contributions via a S106 legal agreement towards Primary Education, Secondary Education, Childcare Services, SEND Services (Special Educational Needs and Disabilities), Library Services, Youth Services, Waste Services and Fire & Rescue Services.
- 3.13 **HCC Lead Local Flood Authority (LLFA)** – No objection subject to seven conditions.
- 3.14 **HCC Historic Environment (Archaeology)** – No objection, subject to conditions requiring submission of a Written Scheme of Investigation incorporating a programme of archaeological works. involving a further programme of strip, map and sample excavation. This is required as the proposal is likely to have impacts on heritage assets of archaeological interest.
- 3.15 **HCC Minerals & Waste** – No objection subject to a condition requiring the submission and agreement of a Site Waste Management Plan.
- 3.16 **HCC Public Health** – No objection subject to condition requiring the submission and agreement of a Health Impact Assessment. This matter is addressed in the relevant section of this report.
- 3.17 **HCC Fire and Rescue Services** – No objection, subject to a s106 obligation for the provision of fire hydrants on site.
- 3.18 **HCC Countryside and Rights of Way Officer** – No objection.
- 3.19 **Herts and Middlesex Wildlife Trust** – No comments.
- 3.20 **Natural England** – No objection.
- 3.21 **Active Travel England** – No comments.
- 3.22 **NHS IBC** – No comments.

- 3.23 **Sport England** – No objection subject to s106 contributions towards off-site sports pitch and sports facilities expansion and improvements.
- 3.24 **Anglian Water** – No objection subject to strategic foul water strategy condition.
- 3.25 **Affinity Water** – No objection subject to conditions.
- 3.26 **CPRE Hertfordshire (Campaign to Protect Rural England)** – No comments.
- 3.27 **Hitchin Forum** – Objects based on the principle of development and matters relating to the impact upon existing services and infrastructure, and traffic/congestion.

### **Neighbour and Local Resident Representations**

- 3.28 The application has been advertised via neighbour notification letters, the display of site notices and a press notice. At the time of finalising this report, a total of 252 comments have been received including 202 objections, 47 submissions in support and 3 neutral comments.
- 3.29 Neighbours objections and concerns are summarised as follows:

- Traffic and Congestion
- Highway safety concerns
- Insufficient parking provision for the development
- Inadequate Masterplan documentation
- Inappropriate density of development
- Extent of developable area
- Development site is outside the settlement boundary of Ickleford
- Scale of the development will significantly alter the character of Ickleford
- Scale and location of the development is not aligned with the Neighbourhood Plan
- Erosion of the gap between Ickleford and Hitchin
- Effect upon nearby historical properties and the wider Conservation Area
- Effect upon archaeological matters
- Inadequate existing road infrastructure
- Will add more traffic on surrounding roads adding to congestion
- Inadequate educational infrastructure
- Inadequate public transport and sustainability meaning greater reliance on private vehicle use
- Lack of capacity of existing local infrastructure, services and facilities to support the development
- Inadequate healthcare provision
- Concerns around the existing capacity of local utilities infrastructure
- Flooding and drainage concerns
- Concerns around the capacity of the existing drainage network
- Increased noise and pollution
- Effect of the development upon air quality
- Loss of Green Belt and no very special circumstances
- Impact upon rural character of the site

- Effect upon the nearby chalkstream
- Loss of/Effect upon wildlife
- Loss of green space and habitats for wildlife
- Loss of agricultural/grazing land

3.30 47 submissions have been received in support of the proposal. These are summarised as follows:

- Access to local housing
- Inclusion of affordable homes
- Inclusion of children's play area
- Variety of the different sized homes the development would offer
- Incorporation of green spaces into the scheme

## **4.0 Planning Considerations**

### **4.1 Site and Surroundings**

4.1.1 The application site is located on the southern edge of Ickleford, outside but adjacent to the Ickleford settlement boundary. The site itself comprises agricultural land and covers an area of approximately 6.98 hectares.

4.1.2 The topography of the site rises from a low point of 54m AOD in the southwest to a high point of 60.7m AOD along the western boundary. Existing mature vegetation along the site boundaries means the site benefits from a degree of containment when viewed from all directions.

4.1.3 The northern boundary of the site is defined by established, mature trees and scrub with Turnpike Lane beyond. Part of the eastern boundary is shared with Lodge Court. Immediately to the south-east of the site is the former Ickleford Mill site. The southern boundary is defined by mature tree and scrub vegetation, with the River Oughton beyond. To the west is Ickleford Manor house and the recently completed Ickleford Mews development which comprises 19 dwellings. The remainder of the western boundary is defined by mature tree and scrub planting, with Bedford Road beyond.

### **4.2 Proposal**

4.2.1 Outline permission is sought for residential development with means of access from Turnpike Lane for consideration and all other matters reserved for subsequent approval; demolition of all existing structures; associated landscaping, drainage, car parking, infrastructure and all ancillary and enabling works

4.2.2 The development area is approximately 2.45 hectares in size. The key elements of the proposed development comprise:

- Up to 100 dwellings, of which 50% will be affordable housing;
- New main vehicular access point from Turnpike Lane which would also accommodate access for pedestrians and cyclists;
- Off-site highways works, including improvements to Turnpike Lane, Bedford Road and Greenfield Avenue for the benefit of pedestrians and cyclists;

- A network of cycle and pedestrian routes across the site with linkages to existing roads; and
- A network of open spaces across the site including a play area, footpath connections, and a blue/green corridor incorporating the provision of Sustainable Drainage Systems (SuDS).

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

- Proposed Access Arrangement Plan 'Drawing No. IMI-RGP-XX-XX-DR-T-005 Rev P04'
- Parameter Plan
- Framework Plan
- Illustrative Masterplan
- Design and Access Statement
- Planning Statement
- Flood Risk Assessment and Drainage Strategy
- LLFA Technical Note Addendum
- Energy and Sustainability Statement
- Air Quality Assessment
- Noise Assessment Report
- Ecological Impact Assessment
- Ecological Impact Assessment Addendum
- Ecology Note Addendum dated 10/12/25
- Ecology Technical Note dated 23/02/26
- Biodiversity Net Gain Statement
- Biodiversity Metric
- Draft Habitat Management and Monitoring Plan
- Arboricultural Implications Assessment
- Arboricultural Method Statement
- Tree Protection Plan
- Tree Constraints Plan
- Technical Review of Arboricultural Matters (Cycle Routes) dated 25/02/26
- Landscape and Visual Appraisal
- Landscape and Visual Appraisal – Technical Note
- Transport Assessment
- Transport Assessment Addendum
- Travel Plan
- Heritage Statement
- Archaeological Desk Based Assessment
- Phase 1 Preliminary Risk Assessment
- Geophysical Survey Report

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

approval. For the avoidance of doubt, where details of these reserved matters are set out in supporting documents and plans, these are illustrative only. The submitted Framework Plan and Parameter Plan would be approved documents that would direct the reserved matters.

## 5.0 **Key Issues**

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

- Principle of the development
  - Grey Belt assessment
  - Effect upon the Green Belt
  - Very special circumstances
- Affordable housing provision
- Loss of agricultural land
- Masterplanning
- Highway matters
- Landscape and visual impacts
- Heritage and archaeological impacts
- Ecology and Biodiversity
- Tree impacts
- Flood risk and drainage
- Environmental impacts (noise, land contamination and air quality)
- Sustainability
- Impact on residential amenity
- Other Matters
- Planning obligations
- Planning balance and conclusion

## 5.2 **Principle of the development**

5.2.1 Paragraph 2 of the National Planning Policy Framework (NPPF) sets out that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise and that the NPPF is an important material consideration in planning decisions.

5.2.2 Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development. For decision taking, Paragraph 11 d) states (Page 21) '*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making*

*effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

- 5.2.3 North Herts Council is currently unable to demonstrate a five-year supply of deliverable housing land. The latest published figure determined that the Council can only currently demonstrate 2.6 years supply. Consequently, and in accordance with footnote 8 of the NPPF, the policies most important for determining this application are out-of-date and the 'tilted balance' is engaged in favour of the provision of housing on the application site.
- 5.2.4 Whilst the tilted balance is engaged, Paragraph 12 of the NPPF states that 'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.'
- 5.2.5 With regards to housing delivery, Paragraph 61 of the NPPF sets out the Government's objective of significantly boosting the supply of homes, ensuring that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed. Paragraph 61 goes on to set out that the overall aim should be to meet an area's housing need, including with an appropriate mix of housing types for the local community.
- 5.2.6 The Council further acknowledges that the current Government has a clear message in report to the national housing crisis in an effort to deliver 1.5 million homes. This Written Ministerial Statement is a material consideration which ensures weight is given to housing delivery and to the presumption in favour of sustainable development.
- 5.2.6 Paragraph 124 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.2.7 As set out in the report above, the policies contained within the North Hertfordshire Local Plan (NHLP) that are most important for determining the application are out-of-date. The Council can only currently demonstrate a five-year housing land supply of 2.6 years, which is a significant shortfall. Therefore, the weight given to the relevant policies contained within the NHLP are significantly reduced.
- 5.2.8 The North Hertfordshire Local Plan 2011-2031 was adopted by the Council in November 2022.
- 5.2.9 Policy SP1 of the NHLP is the backbone for considering development proposals. It requires that the main role of key settlements, be the focus for new development, including housing.
- 5.2.10 Policy SP2 of the NHLP identifies a significant housing need in the district which is for 'at least 13,000 new homes' over the plan period. Ickleford is planned to accommodate around 235 homes. The site physically abuts existing residential development on Ickleford Mews. However, the site is located outside the defined settlement boundary for Ickleford in the Local Plan. Therefore, the proposal conflicts with Policy SP2 of the Local Plan.

- 5.2.11 With the site being outside of the Ickleford Settlement Boundary, it lies within the Green Belt. Policy SP5 of the NHLP sets out that the Council will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated.
- 5.2.12 National Policy on Green Belt is set out in Section 13 of the National Planning Policy Framework (NPPF). Paragraph 142 of the NPPF confirms that the Government attaches great importance to Green Belts, where the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
- 5.2.13 Paragraph 143 of the NPPF sets out that the Green Belt serves five purposes, which are as follows:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns;
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.2.14 Paragraph 153 of the NPPF sets out that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 5.2.15 Paragraph 154 of the NPPF offers several exceptions to inappropriate development within the Green Belt. The proposed redevelopment of up to 100 dwellings would not meet any of the exceptions to inappropriate development under paragraph 154 of the NPPF.
- 5.2.16 Paragraph 155 of the NPPF sets out that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate development where all the following apply:
- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
  - b) There is a demonstrable unmet need for the type of development proposed;
  - c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework;
  - d) Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.

## Grey Belt assessment

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

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

5.2.18 This outline application for up to 100 dwellings is submitted on the basis that the site constitutes 'Grey Belt' land. In determining whether the site should be defined as Grey Belt, the contribution the site makes to purposes (a), (b), and (d) set out in paragraph 143 should be considered.

5.2.19 Grey Belt also excludes land where the policies relating to areas set out in footnote 7 of the NPPF would provide a strong reason for refusal. Footnote 7 refers to the policies that protect areas or assets of particular importance including habitat sites, Sites of Special Scientific Interest, Green Belt, Local Green Space, a National Landscape, a National Park, Heritage Coast, irreplaceable habitats, designated heritage assets, and areas at risk of flooding or coastal change.

5.2.20 The National Planning Practice Guidance (PPG) National Planning Policy Guidance (PPG) sets out guidance on how authorities should consider evidence in the absence of Grey Belt allocations within the Local Plan. This includes:

1. Whether the site strongly contributes to the Green Belt purposes a, b, or d (as above).
2. Whether the application of policies to areas and assets of particular importance identified in footnote 7 of the NPPF (other than Green Belt) provide a strong reason to restrict development.
3. Whether development of the site would fundamentally undermine the purposes of the remaining Green Belt across the Local Plan area (North Hertfordshire in this case), as set out in national policy and this guidance.

*Contribution of the application site to the Green Belt purposes (a), (b), and (d)*

5.2.21 Purpose (a) of paragraph 143 is intended to check the unrestricted sprawl of large built-up areas. The PPG is clear that villages should not be considered a large built-up area.

5.2.22 The application site is adjacent to the southern settlement boundary of Ickleford and around 70 metres at the closest point to the northern settlement boundary of Hitchin. Ickleford is classed as a village and therefore cannot be considered a large built-up area as set out within the PPG. The site is bounded by trees and vegetation, streets, rivers, and developed areas that restrict and contain development

- 5.2.23 The submitted Parameter Plan is clear the proposed developable area would be restricted roughly to the northern half of the site. It is considered that the northern half of the site containing the proposed developable areas would utilise Grey Belt land.
- 5.2.24 When the entirety of the application site within the red line boundary is considered, given that the site is free of existing development and near to the settlement of Hitchin which is classed as a large built-up area, if developed the site would result in an incongruous pattern of development. If the entire site were developed, the development would significantly weaken the separation between two currently distinct urban areas, increasing their combined sprawling influence on the wider Green Belt. It is therefore concluded that the site, has a 'strong' contribution to purpose (a) of paragraph 143 and cannot be considered 'Grey Belt' land when assessing the overall site.
- 5.2.25 Purpose (b) of paragraph 143 is intended to prevent neighbouring towns merging into one another. The PPG states that 'this purpose relates to the merging of towns, not villages.'
- 5.2.26 The application site sits between the two urban areas of Ickleford and Hitchin. Hitchin is classed as a town and a large built-up area. However, Ickleford is classed as a village and therefore cannot be considered a town or large built-up area. Based on the PPG, the site is not considered to form a substantial or small part of a gap between towns that are close enough to be considered neighbouring in this location. The site therefore has a 'weak or none' contribution to purpose (b) of paragraph 143.
- 5.2.27 Purpose (d) of paragraph 143 intends to preserve the setting and special character of historic towns. The site is not considered to form part of the setting of a historic town given its location, and has no visual, physical, or experiential connection to any historic aspects of a historic town. The site therefore has a 'weak or none' contribution to purpose (d) of paragraph 143 of the NPPF.
- 5.2.28 Given the above, it is considered that the application site has a 'strong' contribution to purpose (a), a 'weak or none' contribution to purpose (b), and a 'weak or none' contribution to purpose (d) of paragraph 143 of the NPPF.

*Footnote 7 Considerations*

- 5.2.29 As set out in the PPG and NPPF, Grey Belt excludes land where the application of the policies relating to the areas or assets in footnote 7 of the NPPF would provide a strong reason for refusing or restricting development.
- 5.2.30 The areas/assets referenced under Footnote 7 are not relevant in this case, such that there are no strong reasons for refusing development against the application of policies relating to areas/assets in footnote 7. Notwithstanding this, the assessment already made above has concluded that the application site would not utilise Grey Belt as the site has a 'strong' contribution to purpose (a) of paragraph 143 of the NPPF.

*Impact on the remaining Green Belt in the plan area*

- 5.2.31 The PPG sets out that in reaching a judgement on whether the development of Green Belt land would fundamentally undermine the purposes of the remaining Green Belt across the plan area as a whole, authorities should consider whether, or the extent to which, the release or development of Green Belt land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.
- 5.2.32 Given the site area and its location relative to built-up areas, the development of the land in the context of the proposed scheme for up to 100 dwellings is not considered to fundamentally undermine the purposes of the remaining Green Belt across the area of the plan. Therefore, it is considered that the proposed development would not affect the ability of all the remaining Green Belt in the area of the plan from serving all five of the Green Belt purposes in a meaningful way.

*Paragraph 155 parts (b), (c) and (d)*

- 5.2.33 Part (b) of paragraph 155 sets out that development should not be regarded as inappropriate if there is a demonstrable unmet need for the type of development proposed. As already set out previously in this report, the Council is unable to demonstrate a five-year housing land supply with a current figure of 2.6 years. There is clearly a demonstrable unmet need for housing which the proposal would deliver. Therefore, the development proposal would meet the test set out in paragraph 155 (b).
- 5.2.34 Paragraph 155 (c) of the NPPF sets out that development in the Green Belt should not be regarded as inappropriate if the development would be in a sustainable location, with particular reference to paragraph 110 and 115 of the NPPF.
- 5.2.35 The proposed development site is located outside, but adjacent to the settlement boundary of Ickleford, which is designated as a larger village under Policy SP2 of the Local Plan. The site is considered to be in an accessible location, within a short distance from the centre of Ickleford. The site is also well connected to Hitchin. The site is therefore in a sustainable location for the purposes of part (c) of paragraph 155 of the NPPF.
- 5.2.36 Part (d) of paragraph 155 refers to the 'Golden Rules'. This dictates that for major development involving the provision of housing, such as the current proposal, the development must accord with the criteria set out in paragraphs 156 and 157 of the NPPF. Although it has already been concluded that the proposed development would not utilise Green Belt land for the reasons previously set out in this report, whether the proposal satisfies the 'Golden Rules' is material consideration independent of whether the site would utilise Green Belt land and is assessed below:
- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157;

The proposal is for up to 100 dwellings and would provide 50% affordable housing, which would be secured through a s106 agreement.

b. necessary improvements to local or national infrastructure;

The proposal would provide financial contributions to HCC and local infrastructure, as requested by the various stakeholders, which would be secured in a s106 agreement. Furthermore, as part of this proposal the applicant has agreed to deliver a pedestrian crossing on Turnpike Lane by the proposed main vehicular access to the site and tactile paving to the junctions at Greenfield Avenue/Turnpike Lane and London Road/Turnpike Lane. This would constitute necessary contributions to local infrastructure.

c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces”.

The submitted Framework Plan and Concept Masterplan Principles provide details of the proposed on-site green spaces and active travel routes throughout the site including a parkland area, ponds, a LEAP and a west-to-east green/blue spine running through the site which would accommodate an active travel route and recreational features. It is considered this would meet the requirements of part c.

#### *Conclusion of Grey Belt consideration*

5.2.37 In conclusion of the above, the proposal would not utilise Grey Belt land and therefore would not accord with the provisions set out in paragraph 155 (a) of the NPPF. On this basis, the proposed development would constitute inappropriate development in the Green Belt, and this is considered in greater detail below.

#### **Effect upon the Green Belt**

##### *Whether the development would be inappropriate in the Green Belt*

5.2.38 As previously set out in this report, Local Plan Policy SP5 is relevant to this case. This policy is also consistent with national policies on the Green Belt as set out in the NPPF.

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

5.2.40 It has already been established that the proposal does not fall within any of the exceptions to this approach as set out at paragraphs 154 and 155 of the NPPF.

5.2.41 Before considering whether very special circumstances exist, the effect of the proposed development on openness and purposes of the Green Belt are considered.

*Impact upon openness and purposes of including land within the Green Belt*

5.2.42 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPG confirms there is both a spatial and visual dimension to openness.

5.2.43 The application site currently comprises an irregular-shaped field with pockets of woodland areas and is characterised by trees and other vegetation along the boundaries of the site. The land is almost entirely devoid of any form of built structures.

5.2.44 Whilst the proposal would incorporate significant areas of green open space throughout the site and particularly in the southern half of the site, the proposed development of 100 residential units, including dwellings and flats, would constitute a significant body of new development within the Green Belt which in turn would materially change the openness of the site in both visual and spatial terms. Therefore, in a physical sense, the proposal would inevitably result in a very significant reduction in openness, therefore conflicting with the primary aim of paragraph 153 of the NPPF. This harm attracts substantial weight when considering whether there are very special circumstances to justify the proposed development.

5.2.45 In terms of the application site itself, beyond the western boundary of the site is existing built form, with residential properties in Ickleford Mews, Bedford Road, and to the west of Bedford Road on Ansell Grange. Beyond the northern boundary of the site is existing built form on the northern side of Turnpike Lane and to the south-east of the site is built form associated with the former Ickleford Mill. Along most of the boundaries of the site are well-established trees and vegetation which makes the site feel more enclosed. Notwithstanding this, beyond the southern boundary of the site are the playing fields and school grounds associated with the nearby Priory School and an agricultural field on the east of Bedford Road between the school and the application site, which are relatively large open areas like the application site.

5.2.46 In light of the above observations, the impact of the proposals on the openness of the Green Belt across the site is substantial. This harm attracts substantial weight.

5.2.47 As discussed earlier in this report, the NPPF sets out five Green Belt purposes: (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns from merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and special character of historic towns and (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

5.2.48 As part of the Green Belt assessment, it was concluded that the application site has a 'strong' contribution to purpose (a) of paragraph 143 of the NPPF. When considering the impact of the development on the site's contribution to purpose (a), the developable area and site layout is a key consideration. As above, the developable area within the site would not have a 'strong' contribution to restricting the sprawl of large built-up areas. The

contribution of that part of the site to the restriction of urban sprawl of large built-up areas would be 'moderate'. The parts of the site that, if developed, would result in an incongruous pattern of development, are proposed to remain open and free of built form. The development would thus result in only 'moderate' harm to the site's contribution to purpose (a). In relation to purposes (b) and (d) of paragraph 143 of the NPPF, it was concluded that the application site has a 'weak or none' contribution. It is considered this would result in a no harm to the Green Belt in respect of purposes (b) and (d).

- 5.2.49 In relation to purpose (c) of paragraph 143 of the NPPF, which aims to assist in safeguarding the countryside from encroachment, the proposed buildings and associated infrastructure would be located on a site which is currently an undeveloped, open, green field outside the settlement boundaries of both Ickleford and Hitchin. Although the proposed development would have an urbanising effect, there are clearly urban features in the immediate area, such as the existing dwellings on Ickleford Mews, Bedford Road and Ansell Grange to the west of the site and existing dwellings on Turnpike Lane to the north of the site. Nevertheless, the proposed development is inappropriate within the Green Belt and there would be moderate harm to the purpose of safeguarding the countryside from encroachment.
- 5.2.50 In relation to purpose (e) of paragraph 143 of the NPPF, which seeks to assist in urban regeneration, by encouraging the recycling of derelict and other urban land, it is noted that there is little in the way of brownfield land in Ickleford and Hitchin to be able to meet identified housing needs. That being said, approving a development on open Green Belt land would inherently fail to encourage the recycling of derelict and other urban land. As such, it is considered that this site and the proposal currently under consideration would have a moderate" degree of harm in respect of purpose (e).
- 5.2.51 In conclusion, the proposed development would conflict with the development plan and national policy as they relate to the Green Belt. The proposed development would be inappropriate development within the Green Belt that would result in significant harm to openness, and moderate harm to purposes (a) and (c). It is therefore concluded that substantial weight should be attached to the totality of harm that would be caused to the Green Belt as required by paragraph 153 of the NPPF.

### **Very special circumstances**

#### *Provision of market and affordable housing*

- 5.2.52 As already set out previously in this report, the Council is unable to demonstrate a five-year housing land supply with a current figure of 2.6 years. There is clearly a demonstrable unmet need for housing which the proposal would deliver. The development of up to 100 dwellings including 50 affordable homes, representing 50% of the total number of homes proposed, would make a positive contribution to the overall housing need identified in the District. The preferred affordable housing mix has been set out by NHDC's Housing Supply Officer later in this report. Overall, the proposal would contribute significantly towards meeting the Council's five-year housing land supply needs and affordable housing. This weighs significantly in favour of the proposal.

### *Economic benefits*

5.2.53 There would be economic benefits associated with the development proposal through the following:

- Generation of jobs and employment opportunities during the construction process.
- Increased expenditure from the new residents by utilising existing local shops, services and facilities.

5.2.54 These benefits are afforded moderate weight in favour of the proposed development.

### *Social benefits*

5.2.55 There would be social benefits associated with the development proposal through the following:

- Delivery of 100 homes of which 50% (50 homes) would be affordable housing.
- Utilisation of a sustainable and deliverable site to assist with meeting the Council's housing needs.
- Provision of significant amount of on-site public green open spaces for recreational purposes.
- Provision of on-site active travel routes to provide improved connections to off-site destinations.
- Improvements to Turnpike Lane for pedestrians and cyclists through introduction of new pedestrian crossing.
- Improvements to Turnpike Lane, Bedford Road and Greenfield Avenue for pedestrians and cyclists.
- Financial contributions secured via s106 agreement towards Henlow Camp and Stotfold cycle routes improvements scheme, walking and cycling improvements to the Turnpike Lane junction/roundabout, and improvements to walking and cycling connections from Ickleford to North Hitchin (A600).
- Financial contributions secured via s106 agreement towards primary and secondary education, SEND school places, childcare services, youth services, library services and waste services.
- Financial contributions secured via s106 agreement towards sports-related facilities and infrastructure.

5.2.56 These above benefits are afforded significant weight in favour of the proposed development.

### *Environmental benefits*

5.2.57 There would be environmental benefits associated with the development proposal through the following:

- Provision of significant amount of on-site green open spaces and SUDs features.
- Ecological benefits through tree planting and landscaping.
- Delivering a minimum 10% Biodiversity Net Gain.
- Financial contribution secured via s106 agreement towards enhancements to the chalk stream environment at Oughtonhead.

5.2.58 These benefits are afforded moderate weight in favour of the proposed development.

*Other material considerations/benefits*

5.2.59 The following social and environmental benefits listed above are accommodated within the site area which contributes strongly to purpose (a) of the Green Belt, and preserve that contribution moving forwards –

- Provision of significant amount of on-site green open spaces and SUDs features.
- Ecological benefits through tree planting and landscaping.
- Delivering a minimum 10% Biodiversity Net Gain.
- Provision of significant amount of on-site public green open spaces for recreational purposes.
- Provision of on-site active travel routes to provide improved connections to off-site destinations.

5.2.60 The development is considered Green Belt as a result of the site area expanding in order to provide the benefits listed above. This weighs significantly in favour of the proposed development in addition to the benefits themselves.

*Summary on very special circumstances*

5.2.61 The benefits of the proposed development and the weight attributed to these will be set against the harm outlined in this report as part of the 'Planning Balance' section set out later in this report, in order to assess whether very special circumstances exist to justify a permission in the Green Belt.

*Any other harm*

5.2.62 Paragraph 153 of the NPPF states that '*...Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations* (emphasis added in this instance). Having assessed the harm to the Green Belt, outlined above, this report will now go through each of the key material considerations applicable to this proposal to identify and attribute weight to *any other harm* which may arise as a result of the proposed development.

### 5.3 **Affordable Housing Provision**

5.3.1 The supporting documentation confirms that the site will deliver 50% affordable housing in line with paragraph 157 of the NPPF. This would also exceed the minimum of 40% affordable housing as required by Local Plan policy. Within this requirement, a 65% rented (social and affordable) and 35% (discounted market sale housing and other affordable routes to home ownership including shared ownership, shared equity and rent to buy) intermediate affordable housing tenure split is required, in accordance with the Local Plan and the Council's Developer Contributions SPD, supported by the 2023 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update. Based on the provision of 100 dwellings, the affordable housing requirement would be 50 dwellings.

5.3.2 Within the 65% rented affordable housing element, NHDC's Housing Supply Officer has confirmed the following mix best meets housing needs, as identified in the 2023 SHMA:

<b>65% Social Rent</b>	
Tenure %	Number of housing units
8% x 1 bed flats	3
9% x 2 bed flats	3
21% x 2 bed houses	7
50% x 3 bed houses	16*
10% x 4 bed houses	3
2% x 5+ bed houses	1
<b>Total</b>	<b>33</b>

Table 1: Affordable housing tenure mix (rented)

\*Evidence from the housing register suggests the number of three bed houses recommended in the SHMA is greater than required and there is higher need for two-bedroom family homes and some need for larger (4+ beds) family homes. A reduction in the number of three-bedroom houses and the provision of more two-bedroom houses would therefore be considered favourably.

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

<b>35% Affordable Rent</b>		<b>35% Affordable Home Ownership</b>	
Tenure %	Number of housing units	Tenure %	Number of housing units
5% x 1 bed flats	0	22% x 1 bed flats	2
10% x 2 bed flats	1	15% x 2 bed flats	2
23% x 2 bed houses	1	43% x 2 bed houses	4
52% x 3 bed houses	4 <sup>i</sup>	20% x 3 bed houses	2
8% x 4 bed houses	1 <sup>ii</sup>		
2% x 5+ bed houses	0		

Total	7	Total	10
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Table 2: Affordable housing tenure mix (intermediate)

Note (i) affordable rents for 3 bed homes must be up to 70% of market rents (including service charges if applicable and (ii) only social rents are accepted for 4+ bed homes.

- 5.3.4 *Local Plan Policy HS5: Accessible and adaptable housing* requires applicants to demonstrate that at least 50% of homes can be built to the M4(2) Accessible and Adaptable standard; and on schemes where 10 or more affordable units will be delivered, 10% of the units can additionally be built to the M4(3) wheelchair user standard. There is a growing need for larger (3 and 4 bed) M4(3) wheelchair adapted homes for rent, for families with a member with a disability and/ or limited mobility, which should be secured through the s106 and any future Reserved Matters submissions.
- 5.3.5 *Local Plan Policy HS4: Supported, sheltered and older persons housing* is also a relevant policy consideration. There will be a substantial increase in the number of and proportion of older residents in North Hertfordshire over the plan period. Older people are living longer, and government policy seeks to support people living at home for as long as possible. Other groups will also have support needs, including people of all ages with physical or learning disabilities.
- 5.3.6 In accordance with *LP Policy HS3: Housing mix* a modest proportion of sheltered and/ or supported housing should be provided on the site to contribute towards the modelled demand for older persons housing. This should include affordable housing provision where appropriate.
- 5.3.7 The affordable homes should be owned and managed by a registered provider, be evenly distributed on the site, rather than on one part, and be physically indistinguishable from any market housing. The 2023 SHMA provides evidence that many more people require social rented homes, and this tenure is recognised in the NPPF. It should be noted that the affordable rent for one or two bedroom dwellings should be no more than 80% of the equivalent local market rent (including service charges, where applicable). For three bedroom dwellings the affordable rent should be no more than 70% of the equivalent local market rent (including service charges, where applicable) and for a four+ bedroom dwellings the rent should be no more than the equivalent rent (excluding service charges, where applicable) for a social rented home in the locality, to ensure affordability.
- 5.3.8 Affordable housing should be spread across the site in small clusters rather than be situated on one or two parts of the site and should be physically indistinguishable from the market housing. These matters can be secured as part of any subsequent Reserved Matters applications.
- 5.3.9 In conclusion on this matter, the development proposal would deliver 50% affordable housing in line with paragraph 157 of the NPPF and would exceed the minimum of 40% affordable housing required by Local Plan policy. This weighs substantially in favour of the proposal in the planning balance.

5.4 **Loss of Agricultural Land**

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

## 5.5 Masterplanning

- 5.5.1 A key policy consideration is Local Plan Policy SP9, which addresses design and sustainability, and in line with the NPPF, requires a strategic masterplan for larger housing applications generally over 100 dwellings. The policy also supports new development where it is well designed and located and responds to its local context.
- 5.5.2 Local Plan Policy SP9 allows for masterplans to be agreed “prior to **or as part of** the grant of planning permission” (emphasis added). A Parameter Plan, together with a Concept Masterplan and masterplanning details within a Design and Access Statement were submitted with the application in September 2025. The proposed development is for a scheme of approximately 100 dwellings which is on the threshold for requiring a strategic masterplan in line with the requirements of Policy SP9. Officers have therefore taken the view it would be overly onerous to require the application to be accompanied by a full strategic masterplan accompanied by a suite of framework and parameter plans, and a supporting Masterplan document. Instead, officers have sought to secure key details and design principles that are commensurate with the size and scale of the proposed scheme.
- 5.5.3 The applicant has worked positively with officers to revise several aspects of the relevant submitted plans, the Design and Access Statement and agree masterplanning details. This has culminated in the submission of the following plans and documents:
- Revised Parameter Plan;
  - Framework Plan;
  - Concept Masterplan Principles;
  - Revised Illustrative Concept Masterplan;
  - Revised Design and Access Statement;
  - Supplementary technical notes relating to landscaping, ecological, tree, and access (active travel) related matters.

- 5.5.4 These plans and documents were submitted in March 2026 and there was a general re-consultation following their submission. The Council's urban design officers, senior ecologist and senior transport policy officer have considered these and confirm that the details demonstrate general conformity with Policy SP9. The content of the plans and documents relevant to the masterplanning are discussed in greater detail below.
- 5.5.5 The Parameter Plan details the following:
- Fixed location of the proposed developable area (2.45ha)
  - Location of the main vehicular access from Turnpike Lane into the application site and the developable area.
- 5.5.6 The Framework Plan details the following:
- Details of green and open spaces;
  - Approximate location of proposed LEAP;
  - Approximate location of proposed SUDs features;
  - Approximate location of the west-to-east green/blue corridor which would incorporate green spaces, SUDs features as well as an active travel route linking the site with Bedford Road to the west, and the Ickleford Mill site to the east;
  - Indicative size/shape of development parcels with key vista and views;
  - Location of retained trees and vegetation throughout the site and along site boundaries.
- 5.5.7 The eight concept masterplan principles set out on page 23 of the Design & Access Statement are as follows:
- A Green/Blue Spine linking to the adjacent Ickleford Mill scheme and running through the site. This accommodates an Active Travel Route, recreation features and could include SuDS features (e.g swales);
  - The LEAP is positioned within the green spine, creating a destination space and focal point;
  - A continuous, hard surfaced edge lane incorporating private drives, roadways and paths "hugs" the southern part of the scheme, creating a pedestrian/ cycle route benefitting from passive surveillance;
  - A minimum of 1 No. on-plot parking space is suggested for 3 bedroom units or smaller;
  - The Active Travel Route incorporates a footway and cycleway and connects the adjacent Ickleford Mill site in the east to Bedford Road in the west. This allows easy access through to local services and amenities of Ickleford in the east and Hitchin to the south;
  - The plot and parcel structure allows multiple views through the development to the landscape to the south to create a sense of openness;
  - Affordable units are distributed evenly across the site, and all benefit from access to open space, amenities and public transport; and
  - The SuDS attenuation basin in the southwest has been designed to accommodate a permanent wet area alongside ecological enhancements and seating opportunities to enhance resident and visitor amenity.
- 5.5.8 The Illustrative Concept Masterplan provides an indicative site layout demonstrating how the site could be developed within an example layout that could accommodate the 100 proposed dwellings. The layout shown on the plan considers different dwelling sizes and types, plot structures and sizes, internal access roads, active travel routes, green spaces,

parking strategy, trees and vegetation to be retained and landscaping. It is reiterated however that the site layout shown is for illustrative purposes only and this plan would not be approved as part of the outline permission. It is a supporting document only.

- 5.5.9 A condition has been recommended to approve the Parameter Plan drawing. A further condition has also been recommended requiring the submission of a Masterplan Compliance Statement prior to or alongside the submission of any future reserved matters application(s) to demonstrate how the proposal accords with the Framework Plan and the eight concept masterplan principles.
- 5.5.10 As this application has been through a formal, collaborative masterplanning exercise with extensive negotiations and improvements, it is officers' view that the proposals represent a high standard of urban design, in keeping with its context and which would include high quality green infrastructure and multi-functional green spaces. As such, it is considered that the development proposal would comply with Local Plan Policy SP9.
- 5.5.11 In conclusion, the proposal is in general accordance with the Local Plan, as well as Policy SP9 concerning design and sustainability, and the requirement for Strategic Masterplans. This matter weighs neutrally in the planning balance.

## 5.6 Highway Matters

- 5.6.1 *Chapter 9 Promoting sustainable transport* of the NPPF sets out the overarching objectives and considerations to ensure development provide sustainable options for travel i.e. travel by foot, bicycle and public transport. Paragraphs 110, 115 and 116 confirm the following:
- *Paragraph 110 – The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*
  - *Paragraph 115 – In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
    - a) *sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
    - b) *safe and suitable access to the site can be achieved for all users;*
    - c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 48; and*
    - d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*
  - *Paragraph 116 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.*

- 5.6.2 *Local Plan Policy SP6: Sustainable transport* confirms that the Council will seek to secure accessibility improvements and promote the use of sustainable transport modes insofar as reasonable and practicable. *Local Plan Policy T1 Assessment of transport matters* and *Policy T2 Parking* are also relevant considerations.
- 5.6.3 The application is accompanied by a Transport Assessment prepared by RGP (dated August 2025) and a Transport Addendum prepared by RGP (dated December 2025). These have identified the anticipated transportation and highways matters associated with the proposed development.
- 5.6.4 In terms of vehicular access to the application, an access is proposed at the northern end of the site on Turnpike Lane. This would provide the main vehicular access to/from the site with the intention of serving all homes within the development. Further details are provided in the accompanying technical drawing, 'Proposed Access Arrangement Plan – Drawing No. IMI-RGP-XX-XX-DR-T-005 Rev P04'.
- 5.6.5 In relation to proposed car and cycle parking details, this is an outline application with all matters reserved except for the means of access, therefore, no parking details are provided at this stage. Notwithstanding this, general principles for site wide car parking will be secured via the Masterplan Compliance Statement condition. Any future reserved matters applications will need to demonstrate that adequate provision is made for car and cycle parking for the relevant uses having regard for the relevant guidance and policies at the time of submission.
- 5.6.6 In terms of walking and cycling (active travel), initial details and design principles have been set out in the Masterplan Framework Plan and the eight concept masterplan principles detailed on page 23 of the submitted Design & Access Statement. This includes details of proposed active travel routes throughout the site and proposed connection points to the west of the site on Bedford Road, the north of the site on Turnpike Lane and in the south-east corner of the site to the Ickleford Mill site. Further details will be secured through the Masterplan Compliance Statement condition, other recommended conditions and future reserved matters submissions.
- 5.6.7 The issue of increased traffic generated by residents of the proposed development and issues relating to existing highway capacity is of great concern to many local residents, and this has been raised in many of the objections received on this proposal. Concerns have been raised about the levels of congestion currently experienced particularly along Turnpike Lane and at the Turnpike Lane/Bedford Road roundabout.
- 5.6.8 In terms of the analysis of the submitted Transport Assessment, HCC Highways notes that the applicant has undertaken a TRICS assessment to determine the likely level of trip generation resulting from the proposed development. The Transport Assessment summarises the anticipated trip generation in paragraph 4.2.2 (Figure 5). The assessment indicates that the development is expected to generate a total of 74 two-way trips in the AM peak and 67 two-way trips in the PM peak. This includes 47 car trips during both the AM and PM peak hours. The Highway Authority is satisfied with the submitted TRICS assessment and considers that the predicted trip generation would not result in any significant impact on the surrounding local highway network.

- 5.6.9 Chapter 6 of the submitted Transport Assessment (TA) provides details of the trip distribution methodology and the capacity assessments undertaken at the nearest junctions. The following junctions were assessed to determine the potential traffic impacts associated with the proposed development:
- Bedford Road / Turnpike Lane / Westmill Lane Roundabout (AM & PM peak)
  - Arlesey Road / Turnpike Lane Roundabout (AM & PM peak)
- 5.6.10 The assessment indicates that the Turnpike Lane / Arlesey Road roundabout is expected to operate within or close to capacity during both the AM and PM peak periods. Based on the submitted modelling, the Highway Authority considers that the development would not result in any material impact on the operation of this junction or lead to unacceptable levels of congestion.
- 5.6.11 HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2). Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.
- 5.6.12 In the first instance, HCC Highways would envisage that the agreed pedestrian crossing and tactile paving improvements are delivered via a Strand 1 through a combination of conditions and via a s278 agreement.
- 5.6.13 In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF). This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second strand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.
- 5.6.14 For the development proposal, HCC Highways calculates the Strand 2 contribution at £968,100 index linked by SPONS from March 2024 to be pooled towards the following schemes:
- SM95, Package 14 of the North Central GTP (P86); Cycle Routes to Henlow Camp and Stotfold.
  - NHDC's LICWIP Schemes – Walking and Cycling improvements to the Turnpike Lane junction/roundabout (one of the highest priorities identified in the Ickleford Neighbourhood Plan).
  - NHDC's LICWIP Schemes – Walking / cycling connections from Ickleford to North Hitchin (A600).

- 5.6.15 Therefore, on the basis of the Strand 1 improvements being delivered through a combination of conditions and via a s278 agreement, and the £968,100 contribution towards improving the greater sustainable network within the locality that the development impacts upon HCC Highways recommends approval of the application in respect of highway related matters.
- 5.6.16 In conclusion, this outline planning application seeks to secure the vehicular access arrangements to this site. Conditions are recommended to ensure the proposal is acceptable from a highways perspective and to secure mitigation measures. The applicant has agreed to pay the requested financial contributions. The proposal is considered to be acceptable from a highways perspective, and the absence of harm weighs neutrally in the planning balance.

## 5.7 Landscape and visual impacts

- 5.7.1 This is a large-scale housing development. Given its nature and scale there will inevitably be impact on the landscape. Within the context, national and development plan policies adopt an approach where development should only be approved where the harm would be outweighed by the benefits of the development.
- 5.7.2 *Landscape character*  
Paragraph 187 of the NPPF indicates that the intrinsic character and beauty of the countryside should be recognised. The NPPF does not seek to protect the countryside for its own sake from development, rather it concentrates on seeking to protect valued landscapes. The site does not form part of any designated landscape.
- 5.7.3 The NPPF does not define what is a valued landscape, albeit most landscapes are valued in one form or another, but case law demonstrates that value lies in it being considered more than just open countryside. North Herts Local Plan Policy NE2 confirms that planning permission will be granted for development proposals that respect the sensitivities of the relevant landscape character, do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation measures necessary to achieve this, ensure the health and future retention of important landscape features and have considered the long-term management and maintenance of any existing and proposed landscaping.

### *Landscape character assessment*

- 5.7.4 The application site is located in the far eastern end of National Character Area (NCA) 110 for The Chilterns. NCA110 The Chilterns is a large area, wider than the designated Area of Outstanding Natural Beauty and comprises extensive wooded and farmed areas, underlain with chalk bedrock that creates the north-west facing escarpments, long views out and small streams that provide a major source of public water supply.
- 5.7.5 The Council published the North Herts Landscape Study as part of the Local Development Framework in 2011 which is based on the Hertfordshire Landscape Character Assessment and subsequent sensitivity and capacity work. The site is within Region 3 The

East Anglian Chalk, North Hertfordshire Ridge and detailed LCA 217 River Oughton and Purwell Valleys. The key characteristics of the River Oughton and Purwell Valleys LCA are listed as: *'grazed water meadows, meandering water course with associated ponds and water bodies, and linear woodland belts following the water course'*.

5.7.6 The built development guidelines for the character area LCA 217 include:

- *Avoid any development in the floodplain of the rivers;*
- *Retain the character of River Oughton and Purwell Valley, ensuring that any new development is appropriately sited and of a scale, form and style appropriate to the character area;*
- *Planting should reflect existing patterns, to mitigate buildings;*
- *Avoid the location of new development in visually intrusive locations;*
- *Ensure that lighting associated with new development does not create additional urbanising influences on the character area;*
- *Manage and enhance the river valley as a corridor for green infrastructure proposals and habitat creation; and*
- *Create new and enhanced landscapes in visually prominent urban fringes softening the interface between urban and rural landscapes.*

5.7.7 A small portion of the northern boundary of the application site containing the woodland boundary along Turnpike Lane is located within detailed LCA 218 Pirton Lowlands. The key characteristics of Pirton Lowlands are listed as: *'large scale, open, flat, farmland landscape, arable production, remnant hedgerows and woodland shelter around settlements'*.

5.7.8 The built development guidelines for the character area LCA 218 include:

- *Conserve the traditional character of settlements, ensuring that any development located on the edge of or within the villages uses appropriate vernacular materials and features to avoid inappropriate visual intrusion;*
- *Protect and preserve the pattern of rural lanes and associated hedgerows*
- *Encourage the planting of appropriate broadleaved woodland and vegetation to screen new development that could intrude in panoramic rural views;*
- *Retain the rural character of Pirton Lowlands, ensuring that any new development is appropriately sited and of a scale, form and style appropriate to the character area;*
- *Avoid the location of new development in visually intrusive locations;*
- *Ensure that new development does not necessitate the removal of existing woodland blocks or the loss of surviving species-rich grassland habitats and ancient hedgerows;*
- *Ensure that lighting associated with new development does not create additional urbanising influences of the character areas;*
- *Conserve the open chalk landscape with its expansive views protecting the landscape from inappropriate land uses, structures and built development which would conflict with openness.*

*Review of the submitted Landscape and Visual Appraisal (LVA)*

- 5.7.9 The application is accompanied by a Landscape and Visual Appraisal document produced by The Environmental Dimension Partnership Ltd, which identifies the landscape and visual effects of the proposed development. In applying a standard methodology and professional judgement, the LVIA sets out conclusions.
- 5.7.10 The LVIA identifies the sensitivity/value of landscape elements, landscape character and visual receptors, the magnitude of impact on each of these assessed, and then the significance of these impacts were evaluated. The LVIA also undertakes an assessment of visual and landscape effects during the construction phase, and operational phase.
- 5.7.11 The identified residual effects and conclusion in the LVIA indicate that there would be major/moderate adverse level of effect upon the inherent landscape character of the site at ear 1. At year 15, once the robust landscape proposals would have had time to mature, the magnitude of change has the opportunity to reduce to medium, resulting in a moderate adverse predicted level of effect on the inherent landscape character of the site.
- 5.7.12 In terms of the visual effect, the report concludes the proposed development would result in varying degrees of harm to road users of Turnpike Lane, the A600 Bedford Road, and nearby residents of Turnpike Lane and Ickleford Manor/Ickleford Mews ranging from negligible up to major/moderate. This is detailed in Chapter 6 of the LVIA.
- 5.7.13 In summary, the LVIA report concludes that, *'the visual and sensory character of the site would change notable as a result of the proposed development. This change is not an indication of bad design but is to be expected as a result of the change of use of any greenfield site to residential development. However, the site already has a settlement edge character and is influenced by the surrounding residential built form. Furthermore, the dominant landscape features on the site (existing trees and hedgerows around the site perimeter and its functional relationship to the river and river valley will be retained and enhanced'*.
- 5.7.14 Key design considerations and initial mitigation details are set out in the Landscape Strategy, the Framework Plan, the eight concept masterplan principles detailed on page 23 of the submitted Design & Access Statement, the remainder of the Design & Access Statement the LVIA and supporting drainage and ecology reports. Together, these documents are considered positive steps toward addressing potential visual and landscape impacts. The documents express a broadly landscape-led approach and demonstrate an intention to deliver a high-quality and multifunctional green infrastructure network.
- 5.7.15 The submitted Framework Plan shows how the green infrastructure would be divided throughout the site and around the residential development parcels. The plan also shows the retention of as much as possible of the existing trees and vegetation throughout the site, particularly along the site boundaries as well as the existing pockets of woodland. The plan also shows the incorporation of a west-to-east green/blue active travel corridor which will incorporate green spaces, SUDs features and a LEAP.
- 5.7.16 Conditions have been recommended to ensure the future implementation of a comprehensive Green Infrastructure network which include a Masterplan Compliance Statement condition, tree-related conditions, and a soft landscaping provision condition.

*Conclusion on the impact on wider landscape and visual setting*

- 5.7.17 In conclusion, it is considered that the proposal would inevitably have some adverse landscape and visual impacts. However, through a combination of topography, existing screening, and the provision of landscaping, it is considered that the adverse effect would be localised and limited. Mitigation measures can be secured by conditions, and such measures would be beneficial to the landscape and biodiversity. Therefore, there would be some conflict with Local Plan policies. Overall, therefore, it is considered that the identified visual and landscape harm should be attributed moderate weight in the planning balance.

## 5.8 Heritage and archaeological impacts

- 5.8.1 The application submission is accompanied by a Heritage Statement prepared by FWA Heritage & Design, that identify the designated heritage assets, potential archaeological interest within the site and the significance of these assets.

*Heritage*

- 5.8.2 The site is not subject to any local or national designations. Designations within the local area include the Ickleford Conservation Area to the north-east of the application site, but it is considered that this conservation area is not in immediate proximity to the site. It is therefore considered there is no intervisibility between this designated area and the site.
- 5.8.3 The nearest listed building to the site is the Grade II listed 'Waltham Cottage' which is on Turnpike Lane and is located around 120m from the eastern boundary of the site. To the east of Waltham Cottage is a small cluster of other Grade II listed buildings which includes 'The Clock House', 'Barn House', 'The Old Manor' and 'The Old Manor Cottage'. It is considered that the current agricultural land within the application site does not contribute to the significance of any of these listed building and views to/from the site do not contribute to the architectural interest of any of these buildings. On this basis, it is considered that the development proposal would not adversely impact the significance of any of these five Grade II listed buildings.
- 5.8.4 In accordance with the NPPF and North Herts Local Plan policies, the proposal is considered to be compliant regarding the impact on heritage assets. Therefore, this matter weights neutral in the planning balance.

*Archaeology*

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

- 5.8.6 The site has been subject of a desk-based assessment which confirms there are no designed archaeological Heritage assets (Scheduled Ancient Monuments, Registered Battlefields or World Heritage Sites within the study area of the wider 1km study area.
- 5.8.7 A review of the available evidence has confirmed that the study site has a low potential to contain archaeological finds and features dating from the prehistoric, Roman and Saxon periods, and a moderate potential for the medieval, post-medieval and modern periods. A recent geophysical survey of the site recorded traces of former ridge and furrow cultivation across the site, along with the probable remains of a modern structure to the south of Turnpike Lane. Any archaeological remains which may have been present on the site are likely to have survived, although these are likely to be of local significance only. The groundworks associated with the proposed development have the potential to disturb or destroy any archaeological remains which might be present on the site.
- 5.8.8 HCC Historic Environment have confirmed they do not object to the proposal and consider the impact of the proposed development can be adequately addressed by planning conditions. This would require the submission and agreement of an Archaeological Written Scheme of Investigation.
- 5.8.9 In conclusion, the proposal has the potential for archaeological remains. A WSI would address this matter. Subject to conditions, there are no objections to the proposals on archaeological grounds. This matter weights neutral in the planning balance.

## 5.9 Ecology and Biodiversity

- 5.9.1 *Chapter 15 Conserving and enhancing the natural environment of the NPPF requires decisions to contribute to and enhance the natural environment. Local Plan policies SP1 – Sustainable development in North Hertfordshire, SP12 – Green infrastructure, biodiversity and landscape, NE4 – Biodiversity and geological sites and NE6 – Designated biodiversity and geological sites and NE8 Sustainable drainage systems seek to protect, enhance and manage the natural environment.*
- 5.9.2 The 2021 Environment Act introduced an automatic requirement for every planning permission granted to achieve a 10% Biodiversity Net Gain (BNG). This is applicable to the current application.
- 5.9.3 The application is accompanied by an Ecological Impact Assessment report, together with a draft Habitat Monitoring and Management Plan, a Biodiversity Metric and a Biodiversity Net Gain Statement which demonstrates that the proposal would result in a measurable on-site 14.56% net loss of biodiversity units. The applicant is therefore required to deliver the minimum 10% net gain off-site. NHDC's Senior Ecologist is satisfied in this instance that the biodiversity hierarchy has been appropriately followed and has recommended a condition requiring details to be submitted as to how this will be achieved through a Biodiversity Net Gain plan. Conditions have also been recommended requiring the submission of a Construction Environmental Management Plan (CEMP), a Habitat Management and Monitoring Plan, and a lighting strategy.

5.9.4 Overall, it is considered there are no ecological impacts arising from the proposals that cannot be mitigated. The applicant has confirmed that the mandatory 10% biodiversity net gain will be achieved off-site and this can be secured by condition. Further details of mitigation measures can be secured by conditions. This is considered a moderate positive benefit in the planning balance.

## 5.10 Tree Impacts

5.10.1 *Chapter 15 of the NPPF – Conserving and enhancing the natural environment* – confirms that proposals should protect and enhance the natural environment. *Local Plan Policy SP1: Sustainable development in North Hertfordshire* seeks to protect key elements of North Hertfordshire’s environment. *Local Plan Policy NE2 Landscape* seeks to ensure the health and future retention of important landscape features and their long-term management and maintenance.

5.10.2 The site contains areas of existing trees and hedgerows throughout the site, including pockets of woodland. The application is supported by an Arboricultural Implications Assessment prepared by Merewood and other tree-related supporting documents including the associated plans. This sets out tree constraints, impacts and preliminary mitigation measures arising from the development. To facilitate the installation of the main vehicular access from Turnpike Lane, the report identifies that one category ‘B’ tree, four category ‘C’ trees and one category ‘U’ tree would need to be removed. It also recommends the removal of several dead/dying category ‘U’ elm trees in this area as part of the ongoing management of the site.

5.10.3 The remainder of the proposed development would require the further removal of two category ‘B’ trees and one category ‘C’ tree located in the developable area of the site to facilitate the development.

5.10.4 In relation to the proposed active travel connections on the west of the site at Bedford Road, and a possible connection on the east to the Ickleford Mill site, the Framework Plan provides details of where these connections are likely to be located. At this stage, the current supporting information anticipates no further tree loss to facilitate these active travel connections. Full details will need to be submitted at the reserved matters stage so the proposals can be fully assessed.

5.10.5 Some low-quality trees and vegetation will need to be removed to facilitate the new main access into the site from Turnpike Lane. Other minor tree impacts can be appropriately managed by way of condition at the appropriate phase. This matter weighs neutral in the planning balance.

## 5.11 Flood Risk and Drainage

5.11.1 National policy on issues relating to flooding is set out in the NPPF at paragraphs 170 to 182. This emphasises the importance of considering the potential for flooding for new developments, particularly in areas identified at high risk. It also requires the consideration of incorporating sustainable drainage solutions where necessary and appropriate.

- 5.11.2 *Local Plan Policies SP11, D1, NE7 and NE8* collectively seek to ensure that development does not result in unacceptable flood risk, prioritises the development of land at low risk from flooding and the use of sustainable drainage systems (SuDS).
- 5.11.3 The site lies within flood risk zone 1, where there is a low probability of flooding from fluvial and tidal sources. However, given the size of the application site and that residential development is proposed, the application is accompanied by a Flood Risk Assessment (FRA).
- 5.11.4 The FRA confirms the proposed development has designed the built development away from the areas shown to be at surface water flooding risk. This would be approximately 130m away from the river channel level of the River Oughton. This also reduces the risk of groundwater emergence occurring. In conclusion, thresholds and finished floor levels should be set 75-150mm above surrounding ground levels in accordance with CIRIA Design for Urban Exceedances to prevent any unforeseen or exceedance event entering dwellings.
- 5.11.5 A SuDS assessment has been undertaken, and the proposals are to attenuate surface water in a above ground attenuation basin prior to outfall to the River Oughton. The flow rate to the River Oughton will be restricted at 3.1 l/s. The SuDS design has considered the existing private surface water sewer on the site, and the design work undertaken to date indicates that there should be no pipe clash between the existing sewer and the proposed drainage infrastructure. The SuDS basin is proposed to connect to the existing private sewer via a new manhole; therefore, no upgrading works to the riverbank or modifications to the existing sewer are anticipated. However, this will need to be confirmed at the detailed design stage.
- 5.11.6 The LLFA confirmed the withdrawal of their initial objection to the proposed development on 9 February 2026 subject to seven conditions being attached to any consent if the application is approved.
- 5.11.7 In relation to the foul water drainage strategy, the applicant has engaged with Anglian Water to establish a possible sustainable point of connection for the proposed development site. This will require a foul network connection point to the south of the site. Further to this, a pre-commencement condition has been recommended requiring the applicant to submit details of a strategic foul water strategy in consultation with Anglian Water.
- 5.11.8 In summary on this matter, it is concluded there would no harm arising to matters relating to flood risk and drainage, and this matter weighs neutral in the planning balance.

## 5.12 **Environmental Impacts**

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

quality impacts arising from development, carry out assessments and identify mitigation measures where necessary.

#### Noise

- 5.12.2 The application is accompanied by a Noise Assessment Report prepared by Hawkins Environmental (dated August 2025). The assessment considers the site suitability in terms of noise impacts from existing sources including nearby roads.
- 5.12.3 The report confirms that due to noise from surrounding roads and the wider environment, the site is considered a 'low risk' site and that the maximum internal noise levels of each room in each proposed home can be achieved through the provision of suitable glazing and ventilation the details of which would be assessed at the reserved matters stage.
- 5.12.4 In respect of the construction phase of the development, the report confirms that in order to minimise construction noise impacts, all construction works should take place during standard construction hours, which are between 8am to 6pm on Mondays to Fridays, 9am to 1pm on Saturdays, with no work on Sundays and Bank Holidays. These hours would be in accordance with expectations of the Council's Environmental Health Protection team. This and other noise mitigation measures for managing noise during the construction phase can be secured through a Construction Environmental Management Plan (CEMP) condition.

#### Land Contamination

- 5.12.5 The application is accompanied by a 'Phase 1 Preliminary Risk Assessment' prepared by CK Consulting and Geotechnical. The Council's Environmental Health Officer confirmed they did not object to the application with respects to contamination on land. However, given the report recommends that given the sensitive nature of the proposed use (residential), and the potentially contaminative current use of the site (agricultural), intrusive investigation should be undertaken at this site. A condition has therefore been recommended relating to a Phase II environmental risk assessment being undertaken and appropriate remediation if required undertaken, all pre-commencement of development.

#### Air Quality

- 5.12.6 Paragraph 110 of the NPPF states that *'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health'*. NPPF paragraph 199 (under section 'Ground conditions and pollution') states that *'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement'*.

- 5.12.7 The application is accompanied by an Air Quality Assessment prepared by Entran. The report confirms that during the construction phase of the proposed development, limited releases of dust and particulate matter are likely to be generated from on-site activities. However, through good sit practice and the implementation of suitable mitigation measures, the impact of dust and particulate matter releases may be effectively mitigated and the resultant impacts are considered to be negligible. In terms the overall impact of the operation of the proposed development, the impact with regards to new exposure to air quality is considered to be negligible.
- 5.12.8 NHDC's Environmental Health Officer has confirmed that air quality mitigation measures will be necessary for both the construction and operational stages of the development. Air quality impacts can be suitably controlled and mitigated through a Construction Environmental Management Plan (CEMP) which can be secured by condition.

*Conclusion on environmental impacts*

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

### 5.13 Sustainability

- 5.13.1 Chapter 2 of the NPPF Achieving sustainable development requires the sustainability credentials of proposals to be considered. Paragraph 8 requires that all three objectives – *economic, social and environmental* – of the planning system would be met. Chapter 14 Meeting the challenge of climate change, flooding and coastal change confirms that the planning system should support the transition to a low carbon future in a changing climate.
- 5.13.2 The Council passed a Climate Emergency motion in 2019 which pledged to do everything within the Council's power to achieve zero carbon emissions in North Hertfordshire by 2030. The Council has adopted a Climate Change Strategy to promote carbon neutral policies. LP Policy SP1: *Sustainable development in North Hertfordshire is an overarching policy whereas LP Policy SP11 Natural resources and sustainability* gives broad support for proposals for renewable and low carbon energy development in appropriate locations.
- 5.13.3 Local Plan Policy DE1 *Sustainable Design requires developments to consider a number of criteria including the need to reduce energy consumption and waste. LP Policy NE12 Renewable and low carbon energy development* supports the principle of renewable energy subject to a technical impacts being satisfied. Local Plan Policy SP9 relates to Design and Sustainability and seeks the inclusion of a broad range of sustainability measures in developments.
- 5.13.4 The application submission is accompanied by an Energy and Sustainability Statement prepared by Daedalus Environmental (dated August 2025). The statement confirms that:
- The dwellings will be highly energy efficient, adopting a fabric first approach. They will be orientated to maximise solar gain where possible;
  - There will be no natural gas connection to the site;
  - Heating and hot water will be supplied via low carbon air source heat pumps;

- Solar photovoltaic panels will be installed where appropriate;
- The development will employ a combination of highly efficient fixtures, fittings and appliances to reduce domestic water use to achieve the 110 l/p/d target;
- Buildings will be designed and specified to adapt to a changed climate:
  - Overheating will be managed through considered design;
  - The retention of existing trees and additional planting will provide more comfortable microclimates in warmer weather;
  - The landscape design will provide multi-functional benefits, supporting increased biodiversity and enhancing the overall aesthetic;
  - Surface water will be managed via the integration of SuDS into the development.
- Electric vehicle charging points will be installed in line with policy requirements;
- High quality broadband will be provided in line with Approved Document R;
- The embodied carbon of the development will be considered and addressed through sustainable material choices and flexible and durable design;
- Construction and operational waste will be managed in accordance with the principles of the Waste Hierarchy.

5.13.5 In respect of the site wide Energy and Sustainability strategy, a suitably worded condition has been imposed which also addresses the future submission of details in relation to the proposed air source heat pumps for each dwelling. This is considered a moderate positive benefit in the planning balance.

#### 5.14 **Impact upon residential amenity**

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

#### 5.15 **Other Matters**

##### Health Impact Assessment

5.15.1 HCC's Public Health Healthy Places Officer has recommended in their consultation response that given the scale of the proposed development, Public Health will require the developer to undertake a Health Impact Assessment to assess the potential positive and negative health impacts of this development. The response also comments on twelve specific subject areas in relation to the development proposal.

5.15.2 Although a condition can be recommended requiring the applicant to submit a Health Impact Assessment, it is considered that this would be overly excessive in this instance. The reasons below demonstrate how the ten subject areas have either been considered or addressed as part of the current outline application submission:

- **Air quality** – The application is accompanied by an Air Quality Assessment report. This matter is fully addressed in the relevant section of this report. A condition has been recommended for a Construction Environmental Management Plan (CEMP). As per the Highway Authority's comments, the applicant will also be required to submit a revised Travel Plan which would be secured through a s106 agreement.
- **Indoor air quality** – The application is accompanied by a Noise Impact Assessment report. NHDC's Environmental Protection Officer has confirmed they are satisfied with the conclusions in the report and considers it is not necessary to recommend any noise mitigating related conditions in this instance.
- **Creating access for all** – Details have been set out in the masterplan framework and parameter plans detailing the main active travel routes within and beyond the application site. Measures to cater for the needs to the ageing population and individuals with physical disability and limiting illnesses can be incorporated into the scheme. The final site layout would be assessed at the reserved matters stage. In addition, a hard landscaping and boundary treatment provision condition has been recommended.
- **Adoption of active travel behaviours from the new occupants** – The Highways Authority have assessed the current application and confirmed the proposed access strategy is acceptable. NHDC officers have also worked collaboratively with the applicant on the masterplan framework and parameter plans to formulate an active travel strategy for the site to encourage sustainable modes of transport amongst residents. The details would be finalised at the reserved matters stage.
- **Active Design** – In addition to the on-site active travel strategy, the development proposes the introduction of green spaces and play areas throughout the site for leisure and recreation purposes.
- **Community Sports Facilities** – Sport England have also sought financial contributions for infrastructure in relation to sports pitches, changing rooms, sports halls and swimming pools which the applicant has agreed to.
- **Affordable Housing** – The development proposal would provide 50% affordable housing on-site. This would be secured through a s106 agreement.
- **Provision of healthy, affordable food** – This element is not relevant given that the development proposal seeks outline planning permission for up to 100 dwellings.
- **Contributions towards modal shift and active recreation** – Financial contributions have been sought towards an 'Evaluation and Support Contribution' towards a Travel Plan, to cover the County Council's costs of administering and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review.
- **Charging points for electric vehicles** – This matter is addressed by building regulations.
- **Car Club** – The development would provide a Car Club Bay in a suitable location within the development site.
- **Safe crossing points beyond site perimeter** – The Highways Authority have assessed the current application and confirmed the proposed access strategy is acceptable. The proposed development includes measures to improve infrastructure beyond the application site and promote better highway safety for pedestrians through the introduction of a pedestrian crossing on Turnpike Lane and further upgrades to Turnpike Lane, Bedford Road and Greenfield Avenue.

**5.16 Planning Obligations**

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

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

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

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

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

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

<b>Element</b>	<b>Details and Justification</b>	<b>Justification</b>
Affordable Housing	Based on 100 units, on site provision of 50% (approx. 50 units) which should be 65% rented tenure (approx. 33 units) and 35% intermediate tenure (approx. 17 units)	NHDC Developer Contributions Supplementary Planning Document (SPD) Feb 2023  Policy HS2 of the Local Plan and the NPPF.
Nursery Education	Included within the Primary Education contribution.	
Primary Education (HCC)	<b>£1,256,845</b> (which includes land costs of £17,549) index linked to BCIS 1Q2024 and BCIS Regional Factor.	Towards new primary school provision within Ickleford and/or provision serving the development.
Secondary Education	<b>£941,071</b> index linked to BCIS 1Q2024 and BCIS Regional Factor.	Towards the expansion of The Priory Secondary School, Hitchin and/or provision serving the development.

Childcare Service 0-2 years	<b>£20,114</b> index linked to BCIS 1Q2024.	Towards increasing the capacity of facilities in the North Herts Rural West Family Centre Reporting Locality and/or provision serving the development.
Childcare Service 5-11 years	<b>£1,454</b> index linked to BCIS 1Q2024.	Towards increasing the capacity of facilities at Ickleford Primary School and/or provision serving the development.
Special Educational Needs and Disabilities (SEND)	<b>£171,848</b> index linked to BCIS 1Q2024 and BCIS Regional Factor.	Towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development.
Youth Service	<b>£15,580</b> index linked to BCIS 1Q2024.	Towards increasing capacity through resource requirements to support the delivery of youth work with young people in the area and/or provision serving the development.
Library Services	<b>£26,391</b> index linked to BCIS 1Q2024.	Towards increasing the capacity of Hitchin library and/or provision serving the development.
Waste Service Recycling Centre	<b>£18,892</b> index linked to BCIS 1Q2024.	Towards increasing capacity at Letchworth Recycling Centre or a new recycling centre in Baldock and/or provision serving the development.
Waste Service Transfer Station	<b>£26,420</b> index linked to BCIS 1Q2024.	Towards increasing capacity through the new Northern Transfer Station and/or provision serving the development.
Fire and Rescue Service Contribution	<b>£2,487</b> index linked to BCIS 1Q2024.	Towards increasing operational capacity through the provision of new appliances and/or equipment necessary to

		support additional fire and rescue service delivery at Hitchin Fire Station and/or provision serving the development.
HCC Highways – Sustainable Transport Contributions	<p>Strand 1 – Off-site highways works via s278 agreement to include pedestrian crossing and provision of tactile paving. Travel Plan evaluation and support fee of £1,200 per annum. Overall sum of £6,000 and index-linked RPI March 2014.</p> <p>Strand 2 – Contribution of <b>£668,100</b> (index linked by SPONS from March 2024) to be pooled towards the following schemes:  i. North Central GTP schemes: SM95, Package 14 of the North Central GTP (P86); Cycle Routes to Henlow Camp and Stotfold  ii. INHDC’s LICWIP Schemes: Walking and Cycling improvements to the Turnpike Lane junction/roundabout (one of the highest priorities identified in the Ickleford Neighbourhood Plan) and Walking / Cycling connections from Ickleford to North Hitchin (A600)</p> <p>Contribution of <b>£300,000</b> (index linked by SPONS from March 2024 towards the 9D Bus Service operated by Stagecoach from May 2026 will provide an hourly service, Mon to Sat and every 2-hour service on Sunday between Ickleford, Hitchin and Stevenage. This is currently being funded by BSIP for three years. However, the additional funding of £300k from this development will ensure its long-term viability.</p>	<p>Policy SP7</p> <p>Policy SP17</p> <p>Policy D1</p> <p>Developer Contributions SPD</p> <p>HCC LTP4</p> <p>HCC ‘Guide to Developer Infrastructure Contributions’ 2022</p>

Sports Contributions – Adult/Youth/Mini Football	The recommendations in the PPS for Ickleford Sport and Recreation Club are for improved ancillary facilities. The recommended contribution for football should be focused on the aggregated figures for changing rooms for adult (£23,782) and youth changing rooms (£49,317). The provision of a new changing pavilion at Walsworth Common is also an alternative project for the changing facility contributions. The recommended overall contribution would be <b>£73,099</b> .	Developer Contributions SPD (2023)  Policy SP10  Policy NE6  Emerging North Herts Playing Pitch Strategy  Emerging North Herts Indoor Sports Strategy
Sports Contributions – Cricket	Hertfordshire Cricket have previously identified that improving the cricket square at Ickleford Sport and Recreation Club through a non turf or hybrid wickets have been a priority. As above the priority in the PPS for Ickleford Sport and Recreation Club are for improved ancillary facilities which are shared by football and cricket clubs. The cricket pitch and changing facility contributions should therefore be used towards these projects at Ickleford Sport and Recreation Club. The recommended contribution would be <b>£33,752</b> .	Developer Contributions SPD (2023)  Policy SP10  Policy NE6  Emerging North Herts Playing Pitch Strategy  Emerging North Herts Indoor Sports Strategy
Sports Contributions – Rugby Union and Rugby League	The PPS identifies that sports lighting and drainage plus RFU specification changing rooms are priority projects for the Hitchin Rugby Club site at King George V Playing Field in Hitchin which are also used by North Herts Crusaders Rugby League Club. The rugby union and rugby league pitch and changing facility contributions should therefore be used for pitch and changing facility works	Developer Contributions SPD (2023)  Policy SP10  Policy NE6  Emerging North Herts Playing Pitch Strategy  Emerging North Herts Indoor Sports Strategy

	at King George V Playing Fields. The recommended contribution would be <b>£26,215</b> .	
Sports Contributions - Hockey	The PPS has identified that resurfacing the Hitchin Boys School and Lucas Lane Sports Ground artificial grass pitches (both used by Blueharts Hockey Club) are the priorities for meeting hockey needs. Sand based AGP pitch contribution should therefore be used to either of these projects. No need for changing facility contribution to be secured for hockey as no needs or projects identified. The recommended contribution would be <b>£7,552</b> .	Developer Contributions SPD (2023)  Policy SP10  Policy NE6  Emerging North Herts Playing Pitch Strategy  Emerging North Herts Indoor Sports Strategy
Sports Contributions – 3G Artificial Grass Pitches	The Playing Pitch Strategy identifies a need for an additional 3G AGP in Hitchin and the Priory School has been identified as a site for accommodating a second 3G AGP. The 3G AGP contribution should be used towards this project. Therefore, no need for changing facility contribution to be secured for 3G AGP as no needs or projects identified. The recommended contribution would be <b>£22,037</b> .	Developer Contributions SPD (2023)  Policy SP10  Policy NE6  Emerging North Herts Playing Pitch Strategy  Emerging North Herts Indoor Sports Strategy
Sports Contributions – Sports Halls	The ISS has identified priorities for improving the quality of the sports halls at Priory School and Fearnhill School as well as the squash courts at Ickleford Sport and Recreation Club so the sports hall contribution should be used towards any of these projects. The recommended contribution would be <b>£48,090</b> .	Developer Contributions SPD (2023)  Policy SP10  Policy NE6  Emerging North Herts Playing Pitch Strategy  Emerging North Herts Indoor Sports Strategy
Sports Contributions – Swimming Pools	Hitchin Swimming Centre would be the priority project. The specific project(s) for using the	Developer Contributions SPD (2023)

	swimming pool contribution will be identified in due course. The recommended contribution would be <b>£62,499</b> .	Policy SP10 Policy NE6 Emerging North Herts Playing Pitch Strategy Emerging North Herts Indoor Sports Strategy
Sports Contributions – Tennis	the PPS identifies that improved court quality is a priority at King George V Playing Field in Hitchin and this has also been a priority for NHDC Green Spaces. The tennis contribution should therefore be prioritised for this project. The recommended contribution would be <b>£3,942</b> .	Developer Contributions SPD (2023) Policy SP10 Policy NE6 Emerging North Herts Playing Pitch Strategy Emerging North Herts Indoor Sports Strategy
Chalk Stream Conservation	The chalk stream runs directly to the south of the site boundary and will be subject to run off from the site.  A project has been identified by the Herts and Middlesex Wildlife Trust at Oughtonhead to enhance the chalk stream environment. The recommended contribution is <b>£77,000</b> .  NHDC’s Greenspace Manager is currently in the process of finalising the details for this project, and the practicalities around implementing the project.	Developer Contributions SPD (2023) Ickleford Neighbourhood Plan Policy E2
HCC Monitoring Fees	£420 (adjusted for inflation against RPI January 2024) for each distinct trigger point.	
NHDC Monitoring fees	2.5% of NHDC contributions capped at £25,000.	

Table 3: Heads of Terms for S106 Agreement

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

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

## 5.17 Planning Balance and very special circumstances

5.17.1 As set out in this report, there are matters that weigh in favour and against the proposed development. The table below identifies the benefits and harms of the development and the weight attributed to these. Notwithstanding the weight attributed to different matter, some carry greater importance than others and whilst this will not be reflected in the table below, this is addressed in this section of the report.

Table 4 – Benefits and harms

Issue	Effect	Weight
Green Belt Openness	Harm	Substantial
Green Belt Purposes	Harm	Substantial
<b>Overall effect on the Green Belt</b>	<b>Harm</b>	<b>Substantial</b>
Loss of agricultural land	Harm	Limited
Landscaping and visual impacts	Harm	Moderate
Delivery of Market Housing	Benefit	Significant
Delivery of above LP policy requirement of 50% Affordable Housing	Benefit	Very Significant
Economic Benefits	Benefit	Moderate
Social Benefits	Benefit	Significant
Environmental Benefits	Benefit	Moderate
Other material considerations/benefits**	Benefit	Significant
Biodiversity (BNG)	Benefit	Moderate
Sustainability credentials	Benefit	Moderate
Compliance with Golden Rules	Benefit	Significant
Heritage and Archaeology	Neutral*	None*
Tree Impacts	Neutral*	None*
Environmental Impacts – Noise, Air Quality, Land Contamination	Neutral*	None*
Highway Safety	Neutral*	None*
Flood Risk/Drainage	Neutral*	None*
Masterplan compliance	Neutral*	None*

\* subject to conditions

\*\* detailed at paragraph 5.2.59

- 5.17.2 The proposal would deliver up to 100 dwellings which would include 50% market housing. The proposal would boost the supply of housing in a sustainable location with access to services and facilities in Ickleford and Hitchin. It is considered that this is a **benefit** to which **significant** weight should be attributed. The proposal would deliver 50% on-site affordable housing which would exceed the minimum 40% Local Plan policy requirement. It is considered that this is a **benefit** to which **very significant** weight should be attributed.
- 5.17.3 The proposal would deliver significant public benefits, all of which are set out in the 'very special circumstances' section earlier in this report. In terms of the social benefits, it is considered this is a **benefit** to which **significant** weight should be attributed. In terms of the environmental benefits, it is considered this is a **benefit** to which **moderate** weight should be attributed. In terms of the economic benefits, it is considered this is a **benefit** to which **moderate** weight should be attributed.
- 5.17.4 A site specific other material consideration is that the developable area is restricted to land which would fit the definition of Green Belt. The land within the site that results in the conclusion that the whole site is Green Belt is utilised for an appropriate form of development in the Green Belt, providing for a lot of the environmental and social benefits considered above. This is a **benefit** that is attributed **significant** weight in the planning balance.
- 5.17.5 The proposal will provide a minimum 10% biodiversity net gain (BNG) which would be delivered off-site. This is a **benefit** to which **moderate** weight should be attributed. The sustainability credentials associated with the development proposal are considered a **benefit** to which **moderate** weight should be attributed.
- 5.17.6 In terms of the overall effect upon the Green Belt, this is considered a **harm** which attracts **substantial** weight in the planning balance. The proposal would result in some loss of agricultural land. This is considered a **harm** which attracts **limited** weight in the planning balance. The effect upon landscape and visual impact matters are considered a **harm** which should be attributed **moderate** weight in the planning balance.
- 5.17.7 Whilst it has been found that the whole of the site would not utilise Grey Belt land, the proposal would comply with the Golden Rules as set out at NPPF paragraph 156. Therefore, as indicated at NPPF paragraph 158 this compliance with the Golden Rules should be given **significant** weight in favour of the grant of planning permission.
- 5.17.8 In terms of matters relating to masterplan compliance, heritage, archaeology, highway safety, flooding and drainage, tree impacts, and environmental impacts, it is considered that each of these elements of the development proposal would have a **neutral** effect in terms of the planning balance. Suitable conditions have also been recommended in respect of each subject area.
- 5.17.9 There should not be a significant adverse impact upon the living conditions of occupiers of nearby residential properties. Effects in terms of outlook, privacy and overshadowing would be considered at the reserved matters stage.

## *Overall Assessment*

- 5.17.10 This is an unallocated housing site in the adopted Local Plan and the site lies outside the settlement boundary of Ickleford. However, it will make a significant contribution to the housing land supply delivering both market and affordable housing. As the Council is currently unable to demonstrate a 5-year housing land supply, the tilted balance of paragraph 11(d) of the NPPF is engaged. The collective benefits of the development as set out in the report and as summarised in the table above would be significant. The adverse effects of the proposal have been identified and weight attached to these. There would be substantial harm to the openness of the Green Belt, and moderate harm to purposes (a) and (c) of the Green Belt, with moderate harm to purpose (e), as well as moderate harm in relation to landscape and visual matters, and limited harm to the loss of agricultural land. However, it is considered that when assessing this application submission as a whole, the public benefits associated with the proposed development would significantly and demonstrably outweigh the identified harms. When assessed against the policies in the NPPF taken as a whole, the planning benefits would clearly outweigh that harm to the Green Belt and any other harm. As such, it is considered that very special circumstances exist. The scheme therefore benefits from the presumption in favour of development which is a further material consideration.
- 5.17.11 It is considered that very special circumstances have been demonstrated which clearly outweigh the identified harm to the Green Belt. The tilted balance set out at paragraph 11 (d) of the Framework therefore is not disengaged and it is considered that the identified harms do not clearly and demonstrably outweigh the benefits that would arise from the proposed development. Accordingly, it is recommended that planning permission be granted.

## **6.0 Alternative Options**

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

## **7.0 Pre-Commencement Conditions**

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

## **8.0 Legal Implications**

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

## **9.0 Recommendation**

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

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

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

C) Conditions as set out below.

**Time Limit**

1. Before the development hereby permitted is commenced, approval of the details of the siting, design and external appearance of the development, the means of access (other than access details shown on the 'Proposed Access Arrangement Plan' Drawing No. IMI-RGP-XX-XX-DR-T-005 Rev P04) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

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

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

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

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

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

**Masterplanning**

4. The development hereby permitted shall be carried out in accordance with the submitted masterplan 'Parameter Plan – Drawing No. HAWR.250207 PPL-01 R3'.

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

### **Masterplan Compliance**

5. Prior to or concurrent with the submission of the first Reserved Matters application, and any subsequent Reserved Matters applications, a Masterplan Compliance Statement shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan Compliance Statement shall explain how the proposal accords with the masterplan 'Framework Plan – Drawing No. HAWR.250207 FWP-01 R3' and the eight concept masterplan principles detailed on page 23 of the submitted Design & Access Statement dated March 2026. Where the proposal does not accord with either document, the Masterplan Compliance Statement should provide clear and robust justification for the departure.

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

### **Waste and Recycling Storage**

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

Such details shall identify the specific position of where wheeled bins will be stationed, and the specific arrangements to enable collection from the kerbside of the adopted highway/refuse collection vehicles access point in accordance with the walk distances set out in the Council's approved waste collection strategy.

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

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

### **Site Waste Management**

7. No development shall take place until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority 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 thereafter be implemented in accordance with the approved details.

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).

## **Tree Conditions**

### Trees

8. The development hereby permitted shall be carried out in accordance with the Arboricultural Implications Assessment and Arboricultural Method Statement both prepared by Merewood and dated August 2025 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard and enhance the trees on the site and in accordance with Policy NE2 of the North Hertfordshire Local Plan (2011-2031).

### Tree Retention

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

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

### Tree Replacement

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

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

## **Landscaping**

### Soft Landscaping Provision

11. Notwithstanding any details included in the submitted plans, no development above ground level (except any demolition, site clearance, ground investigation and remediation work) shall take place within the relevant phase (or part thereof) until details of soft landscaping for such relevant phase have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities and tree pit construction and soil volumes.

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

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

Reason - In the interests of character and visual amenity and ensuring compliance with North Herts Local Plan Policies KB4, SP9 and NE2 and the National Planning Policy Framework.

#### Hard Landscaping and Boundary Treatment Provision

12. Notwithstanding any details included in the submitted plans, no development above ground level (except any demolition, site clearance, ground investigation and remediation work) shall take place within the relevant phase (or part thereof) until details of hard landscaping and boundary treatments for such relevant phase have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: In the interests of character and visual amenity and ensuring compliance with North Herts Local Plan Policies KB4, SP9 and NE2 and the National Planning Policy Framework.

#### **Biodiversity**

#### Biodiversity Net Gain

13. 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.

Based on the information available this permission is considered to be done 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.

#### Habitat Management and Monitoring Plan

14. No development shall take place 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 habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

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

#### Ecological Enhancement Plan (EEP)

15. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as the inclusion of integrated bird/bat and bee bricks in buildings/structures, swift bricks should be used where building heights allow, and hedgehog holes in fences has been submitted to and approved in writing by the Local Planning Authority.

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

#### Lighting Strategy

16. No dwelling hereby permitted shall be occupied unless and until an external lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be designed to minimise the potential adverse effects of external lighting on the amenity and biodiversity of the site and its immediate area. The strategy shall also:
- a) identify those areas/features on site to which bats and other nocturnal species are particularly sensitive and that are likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to reach key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (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.

The development shall be carried out and maintained thereafter in accordance with the approved details.

Reason: In the interests of biodiversity and local amenity and to ensure compliance with North Herts Local Plan Policies NE4 and D3.

#### Construction Environmental Management Plan (CEMP)

17. 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 Ecological Impact Assessment dated September 2025 and include the following:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of “biodiversity protection zones”;
  - c) Practical measures (both physical measures and sensitive working practices) to avoid impacts to protected species during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) Use of protective fences, exclusion barriers and warning signs.

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

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

#### **Open Space Management and Maintenance**

18. Any reserved matters applications shall include a detailed Open Space Management and Maintenance Scheme for the management and maintenance of all areas of open space (to include parks, greenways, allotments, play areas, informal open space, semi-natural green space, public squares) shall be submitted to and agreed in writing by the Local Planning Authority. Details to be submitted shall include:
- a) Management organisation;
  - b) Details of landscape management and maintenance plans;
  - c) Details of planting, grass cutting, weeding and pruning;
  - d) Management of sustainable urban drainage features;
  - e) Inspection, repair and maintenance of all hard landscaping and structures;

- f) Management, monitoring and operational restrictions; and
- g) Maintenance and planting replacement programme for the establishment period of landscaping.

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

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

### **Energy and Sustainability**

19. The development hereby approved shall be constructed in accordance with the submitted Energy and Sustainability Statement prepared by Daedalus Environmental (dated August 2025), and details of the proposed air source heat pumps submitted to and approved in writing by the Local Planning Authority prior to their installation, and the identified sustainability measures shall be maintained and retained thereafter.

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

### **Drainage Conditions**

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

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

21. No development shall take place until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority.

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

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

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

23. The development hereby permitted shall be carried out in accordance with the submitted and approved Flood Risk Assessment (Ref: GB/VL/P25-3474/01 dated August 2025). This includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any design 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 District Council.

24. Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted FRA and or Drainage Strategy (GB/VL/P25-3474/01 dated August 2025), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

a) The applicant must submit a drawing that illustrates the ground levels and or Finished Floor Levels (FFLs) across the entire development, along with the flood exceedance path under a drainage network failure scenario for the 1% AEP plus climate change event. This is to ensure that exceedance flows are directed away from buildings, entrances, and critical utilities.

b) The applicant must provide the cross-sectional layouts and detailed specifications of the proposed storage structures and the attenuation basin.

c) The pumped discharge is proposed to connect into a new surface water sewer network, which will subsequently flow into the existing 150 mm private surface water sewer on site before discharging to the watercourse. A failure assessment of the pump should be submitted, including hydraulic calculations.

d) The drainage strategy drawing must show the Finished Floor Levels, manhole IDs, invert levels, cover levels, network IDs, and pump IDs exactly as represented in the hydraulic calculations to ensure consistency.

Reason: To ensure the satisfactory management and local flood risk, surface water flow paths, storage and disposal of surface water from the site and ensuring the SuDS proposed operates as designed for the lifetime of the development.

25. 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. Where necessary, details of corrective work 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 District Council.

26. No development shall take place until a strategic foul water strategy has been submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water. This strategy should identify the connection point to the MH9901 (NGR. TL 17923 30959) and MH4102 (NGR. TL 18404 31177) to the south of the development site. Prior to occupation, the foul water drainage works must have been carried out in complete accordance with the approved scheme.

Reason: To reduce the impacts of flooding and potential pollution risk.

### **Archaeology**

27. (A) No development shall take place 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, preservation in situ of heritage assets and no dig areas as required by the evaluation
  3. The programme for post investigation assessment
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site Investigation
  7. Provision to be made for public engagement and interpretation
  8. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

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

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

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

### **Contaminated Land**

28. (A) No development shall take place until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
  - (ii) The results from the application of an appropriate risk assessment methodology.
- (B) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
- (C) This site shall not be occupied, or brought into use, until:
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
  - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (D) Any contamination, other than that reported by virtue of condition (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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

### **Construction Management Plan (CMP)**

29. Full details of a Construction Management Plan (CMP) for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase of development (including any pre-construction or enabling works). The construction of the development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The Plan shall include the following:
- a) Details and timing of the removal of any site waste;
  - b) measures to minimise dust during construction;
  - c) site set up and general arrangements for the delivery and storage of plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
  - d) construction traffic route signage, monitoring and enforcement measures;

- e) any temporary screening and hoarding details to protect neighbouring residents;
- f) 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;
- g) wheel washing facilities for construction vehicles leaving the site;
- h) storage and removal of building waste for disposal or recycling;

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

### **Fire Safety**

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

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

### **Highways**

#### Detailed Plans – Parking, Internal Roads and Turning Areas

31. As part of any reserved matters applications, full details (in the form of scaled plans and / or written specifications) shall be submitted to and approved in writing by the Local Planning Authority of the following:
- a) The details of the indicative pedestrian access point as proposed (in para 4.1 of the Transport Addendum dated December 2025) to Bedford Road near the newly built signalised junction and the Ickleford Mill site.
  - b) A robust audit for walking and cycling to key local facilities and services should be submitted to assess an accessibility audit that details the challenges and opportunities for improving provision for active travel to these places on a map showing isodistance contours based on available routes.
  - c) The details of all hard surfaced areas within the site. This includes, but is not limited to, all roads, footways, forecourts, driveways, parking and turning areas, and foul and surface water drainage.
  - d) The level of footways and carriageway visibility from each individual vehicle access, and the level of visibility from and around each main junction within the site, within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.
  - e) The service vehicles, including refuse and emergency vehicles, can safely and conveniently access and route through the site, to include the provision of sufficient turning and operating areas.
  - f) The provision of sufficient facilities for cycle storage.

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

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

#### Vehicular Access and Pedestrian Crossing

32. Before commencement of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, which show the detailed engineering designs and construction of the main site access off Turnpike Lane including safe movement of refuse vehicles, footways, pedestrian crossing with refuge island (in compliance with the road safety audit report) and visibility onto Turnpike Lane as indicated on the drawings (Ref: IMI-RGP-XX-XX-DR-T-005, Rev P04). These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation of the development via a s278 agreement with the highways.

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

#### Wider Highway Works

33. Before commencement of the development, plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Authority, which show the provision of providing of tactile crossing at the junction of Turnpike Lane / Greenfield Avenue and at the junction of Turnpike Lane / Bedford Road. These works shall be implemented to the specification of the Highways and Local Planning Authority's satisfaction before first occupation.

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

#### Construction Traffic Management Plan (CTMP)

34. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways 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) Measures 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 to 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 of the hours of construction. The construction activities shall be designed and undertaken 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 Local Planning Authority and Highways Authority;

- i) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up / drop off times;
- j) Provision of sufficient on-site parking prior to commencement of construction activities;
- k) Post construction restoration / reinstatement of the working areas and temporary access to the public highway;
- l) Where works cannot be contained wholly within the site, a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- m) Phasing Plan, if applicable.

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).

#### **Proactive Statement:**

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

#### **Informatives:**

##### Highways

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

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

AN2) 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.

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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN5) 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.

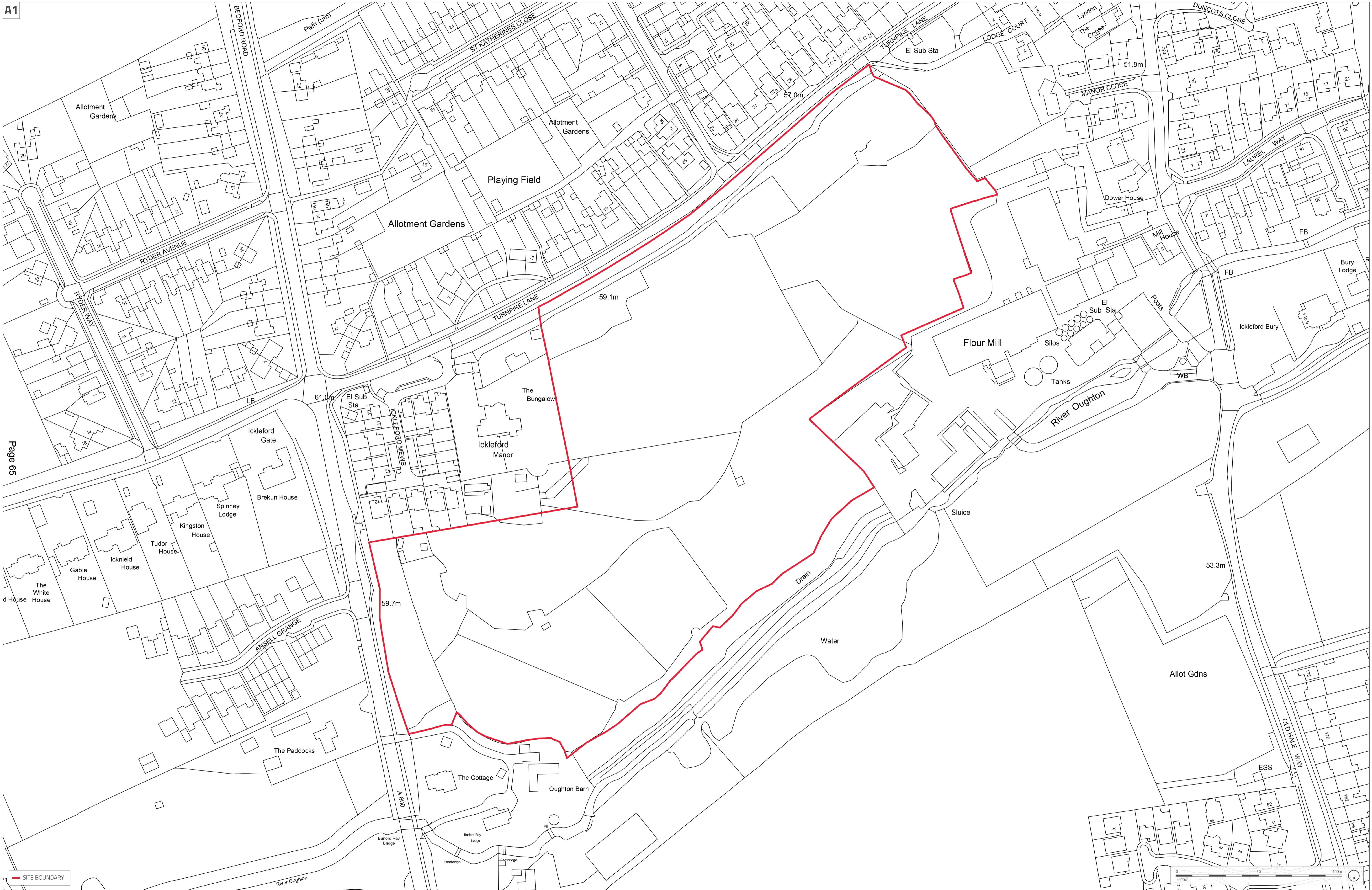
AN6) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and 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:

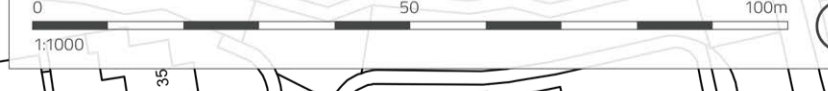
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN7) 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 overflows 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.

AN8) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)



— SITE BOUNDARY



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Rev	Description	Date	Au
R1	Preliminary Issue	30.03.25	MB
R2	Redline Amendments	31.03.25	MB
R3	Redline Amendments	31.07.25	MB

Project	Ickleford Manor, Ickleford		
Drawing	Site Location Plan - 01		
Client	Hawridge Strategic Land		
Dwg no.	SLP-01	Rev.	R3
Project no.	HAWR.250207	Author	MB
Date	30.03.25	Scale	1:1000 @ A1



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<u>Location:</u>	<b>Land To North Of Stevenage Road Hitchin Hertfordshire</b>
<u>Applicant:</u>	<b>Mr James Chell</b>
<u>Proposal:</u>	<b>Erection of 50no. residential dwellings (including affordable) with public open space, associated parking, landscaping and access.</b>
<u>Ref. No:</u>	26/00006/FP
<u>Officer:</u>	<b>Sam Dicocco</b>

### **Date of expiry of statutory period**

29 April 2026

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

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

#### 1.0 **Site History**

1.1 None relevant.

#### 2.0 **Policies**

##### 2.1 **North Hertfordshire District Local Plan (NHLP) 2011-2031 and Proposals Map**

Adopted 8 November 2022.

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy

Policy SP5: Countryside and Green Belt

Policy SP6: Sustainable transport

Policy SP7: Infrastructure requirements and developer contributions

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP10: Healthy Communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, landscape and biodiversity  
Policy T1: Assessment of transport matters  
Policy T2: Parking  
Policy HS1: Local Housing Allocations  
Policy HS2: Affordable Housing  
Policy HS3: Housing mix  
Policy HS5: Accessible and adaptable housing  
Policy D1: Sustainable design  
Policy D3: Protecting living conditions  
Policy D4: Air quality  
Policy HC1: Community facilities  
Policy NE1: Strategic green infrastructure  
Policy NE2: Landscape  
Policy NE4: Biodiversity and geological sites  
Policy NE6: New and improved open space  
Policy NE7: Reducing flood risk  
Policy NE8: Sustainable drainage systems  
Policy NE9: Water quality and environment  
Policy NE10: Water conservation and wastewater infrastructure  
Policy NE11: Contaminated land  
Policy HE4: Archaeology

## 2.2 **National Planning Policy Framework (NPPF)**

Section 2: Achieving sustainable development  
Section 5: Delivering a sufficient supply of homes  
Section 6: Building a strong competitive economy  
Section 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places  
Section 13: Protecting Green Belt land  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment

## 2.3 **Supplementary Planning Documents**

Design SPD (2011)  
Planning Obligations SPD (2023)  
Vehicle Parking Provision at New Development SPD (2011)  
North Hertfordshire and Stevenage Landscape Character Assessment

## 2.4 **Hertfordshire County Council**

Local Transport Plan (LTP4 – adopted May 2018)  
Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012)

## 3.0 **Representations**

3.1 A total of 14 representations have been made in regards the application from members of the public. Of those, 9 are objections, and 5 are noted as representations neither supporting or objecting. The representations are summarised as follows:

- Issues regarding the clarity of site boundaries in relation to the access, ownership, and works required to make the access acceptable in highways terms
- Traffic and access issues off the existing cul-de-sac off Stevenage Road, poor visibility, existing traffic stresses from school traffic and construction access issues
- Site is Green Belt and not Grey Belt
- Overhead cables and noise from increased traffic not addresses.
- Green infrastructure provides no wider community benefit
- Roads within the development lack manoeuvring space and landscaping plan is impractical
- Loss of agricultural land
- Effect on Ashbrook junction with A602
- Suggestions provided for mitigation, including traffic lights or a roundabout on the Ashbrook A602 junction, and a Charlton Link Road
- Surface water discharge into the brook in terms of pollution and potential flooding
- Footpath access into Hitchin
- Lack of local facilities and reliance on vehicles using a stressed junction
- Foul drainage connections and disruption during works to facilitate a connection
- Questions regarding the true affordability of affordable housing
- No details on a connection in the north-east corner of the site to FP Ippolyts 15, recommended conditional connection
- The site is not a sustainable location and would be reliant on private motorised vehicles for modes of transport

3.2 Thames Water – No comments

3.3 Herts Fire and Rescue – No objections subject to a condition for fire hydrant

3.4 Affinity Water – No objection, recommendations to save water usage

3.5 Active Travel England – No comments

3.6 Place Services – Comments received, summarised in *Landscape* section of this report

3.7 Environment Agency – Objection due to lack of acceptable Flood Risk Assessment

- 3.8 HCC Minerals and Waste – No objection subject to conditions
- 3.9 HCC Growth and Infrastructure – No objection subject to infrastructure contributions
- 3.10 HCC Archaeology – No objection subject to conditions
- 3.11 NHC Environmental Health – Concerns raised regarding absence of noise impact assessment with regard to community use of sports pitches
- 3.12 Anglian Water – No objection
- 3.13 NHC Ecology – Objection to absence of complimentary habitat buffer to hedgerow to the north of the site and associated impacts
- 3.14 Wymondley Parish Council – Objection based on Green Belt land, not Grey Belt, Highways impacts, loss of agricultural land, and development out of character with the sites countryside character and setting
- 3.15 HCC Highways – Objection on the basis of insufficient information and unresolved concerns relating to highway safety, capacity, and compliance with current design standards
- 3.16 HCC Lead Local Flood Authority – Objection - absence of an acceptable Flood Risk Assessment and Drainage Strategy and supporting information
- 3.17 St Ippolyts Parish Council – Request for more time to consider S106 contribution requests

#### 4.0 **Planning Considerations**

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

- 4.1.1 The site presents an open field within the metropolitan Green Belt, around 450m east of Hitchin, measured from the nearest western edge. The site also partially lies within flood zones 2 and 3. The flood zones are focussed along the eastern portion of the site adjacent to Ash Brook. Overhead power lines run through the site in a south-north direction from the southeast corner to the centre-north portion. Ash Brook bounds the site to the east with mature landscaping. There is an established hedge to the north boundary, and landscaping to the south boundary of the site. Other site boundaries comprise a road and lighter lower landscaping around sports pitches associated with the School.
- 4.1.2 To the east of Ash Brook, and to the east of the site subject to this application, lies a small cluster of dwellings and industrial units. The cluster is formed of around eight dwellings and four industrial units, set back from Stevenage Road and well screened by established landscape treatments.
- 4.1.3 Kingshott School lies immediately to the west and north of the site. The school has benefitted from previous planning permissions for residential development to the north which was considered appropriate development in the Green Belt based on site-specific

circumstances. The dwellings lie to the north of the School, with the School being the prominent land use in terms of the character of the sites surroundings.

- 4.1.4 The topography of the site is such that it slopes down from east to west towards Ash Brook, with a relatively level surface on the north-south axis.

## 4.2 **Proposal**

- 4.2.1 The application seeks full planning permission for the erection of 50 dwellings, comprising ten two-bedroom units, 23 three-bedroom units, and 17 four-bedroom units. 50% of the proposed dwellings (25 units) would be affordable housing, comprising ten two-bedroom units, and 15 three-bedroom units. The remaining market housing would comprise eight three-bedroom units and 17 four-bedroom units.
- 4.2.2 The site would be served from Stevenage Road, sharing an existing secondary access road to Kingshott School. The existing access runs west from Stevenage Road in front of and serving three dwellings within Ashbrook, running over Ash Brook as the access curves north and then back along an established landscape boundary separating the site and the A602 to the south. An informal pedestrian access/egress point is situated to the northeast of the site which connects to an existing footpath leading north towards and connecting to Hitchin. The development would also incorporate pedestrian and active travel connections through the site to the west, leading to the existing road network serving Kingshott School and leading to the A602 close to Hitchin.
- 4.2.3 The dwellings would all present brick outer walls with some disbursed white and black weatherboarding. There is also pepper-potting of slate and clay tiled roofs. A mix of hipped and gable flanked pitch roofs are proposed, with some dwellings presenting front facing gable fronted projections. All two storey units host lean-to storm porches of varying widths, with bungalows units hosting pitched storm porches.
- 4.2.4 The site is currently open field, with a boundary hedge with a maximum height of 6m along the northern boundary. This hedge is supplemented by three A2 category trees. From the north-west boundary the site is bounded by a hedge with a maximum height of 5m, supplemented by a single category C2 tree. Where this boundary turns and moves west the boundary turns to scrubby growth on top of a bund. The site boundary then moves south and east, bounded by roads serving the school with no landscape features. It is noted that significant landscaping exists to the south of the road serving the school before the A602. Along the east boundary a dense boundary hedge measuring between a maximum of 6m to a maximum of 5m is present supplemented by nine trees ranging from category B2 to C1. All trees and hedging within the site is proposed to be retained.
- 4.2.5 Significant landscaping/planting is proposed for the site, including street trees, hedgerows, meadows, scrub, woodland, wetland meadow and wetland edges. The boundary planting will be supplemented and reinforced, a wetland edge would be introduced along Ash Brook, and a naturalistic wetland park is proposed next to a playground area alongside natural SUDs features. The developed area will also have pockets of open space.

- 4.2.6 The site is divided by the power lines, with the dwellings being site to the west of the easement for the power lines, and the landscaped open space located underneath and to the east of the power lines traversing flood zones 2 and 3 towards the east-most extent of the site. Following from the sites vehicular access point, the buildings are situated throughout the site addressing the road as it manoeuvres the proposed cul-de-sac. The street meanders slightly, allowing for the siting of buildings at the end of key aspects. Building lines proposed are consistent in sections, albeit with some proposed variance in orientations particularly between plots 1 to 7, and plots 42 to 47. Building lines vary in terms of depth between being near on-street to more generous spacing. Vehicular parking is arranged within squares, front courts, rear courts, front-off-plot and on-plot to the side of dwellings.
- 4.2.7 Plots 19 to 25, situated in the west edge of the site are single storey in height. All other proposed dwellings are two storey in height, and broadly consistent with each other within the site itself.

## **5.0 Key Issues**

### **5.1 Green Belt**

5.1.1 The site and development proposed does not fit within any exemptions to development being deemed definitionally inappropriate in the Green Belt contained within paragraph 154 of the National Planning Policy Framework (NPPF).

5.1.2 Paragraph 155 of the NPPF provides a further exemption from definitionally inappropriate development where the development is for homes, commercial and other development where all the following criteria are met:

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

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

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

***d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.***

5.1.3 Grey Belt is defined within the NPPF:

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

5.1.4 The site is not previously developed land. An assessment must take place as to whether the land does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 of the NPPF (which sets the purposes of the Green Belt). An assessment must also subsequently take place as to whether policies relating to areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

*Purpose (a)*

5.1.5 Purpose (a) of paragraph 143 of the NPPF sets out the purpose of the Green Belt to check the unrestricted sprawl of large built-up areas.

5.1.6 Paragraph: 005 of the Planning Practice Guidance (on Green Belt) provides guidance on how the contribution to each purpose should be considered. In regards purpose (a), the land should be considered likely to have a strong contribution if the land:

- Is free of existing development, and lacks physical features in reasonable proximity that could restrict and contain development
- Is adjacent or near to a large built-up area
- If developed, would result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)

5.1.7 The applicant’s suggestion that Hitchin is not a large built-up area using the definition of large built-up area within the Office of National Statistics as between 75,000 and 199,000 population is noted.

5.1.8 The planning system in the UK is plan-led. North Hertfordshire Council is the designated authority for that plan-led system within its administrative boundary. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise (the NPPF being one of those material considerations).

5.1.9 In the context of the Local Plan, it is clear that Hitchin is a large built-up area. Hitchin is identified as one of the four main settlements in North Hertfordshire Council, and as a result of recent developments, is the largest settlement in terms of population and number of dwellings.

5.1.10 The site lies 450m east of Hitchin. This is clearly near to Hitchin as a large built-up area when considering the distance proportionate to the size of the large built-up area. The site is not sufficiently distanced to be considered not associated with Hitchin, when considered in combination with the parcel of land to the west of the site.

5.1.11 The planning statement does not provide commentary on whether the land is free of existing development, nor does it explore the physical features in reasonable proximity that would restrict or contain development. The statement justifies the asserted weak contribution to purpose (a) as being largely enclosed by significant existing development “(including Kingshott School, residential dwellings at King’s Oak, and Ashbrook)”.

5.1.12 The site is free of existing development.

- 5.1.13 The concept of 'restricting' and 'containing' development is considered to relate to the extent to which new development would be prevented from having an urbanising influence on land immediately beyond by intervening physical features. If adjacent land which currently makes a 'strong' contribution to Purpose A would, as a result of increased urbanising influence, make a weaker contribution, such that it became grey belt, then physical features would not be deemed to 'restrict and contain' development. Strong natural landscape elements such as woodlands or changes in topography, which limit views or create a stronger sense of separation between urban and open land; or natural or manmade features that present a physical barrier to movement, and which have some visual screening role, such as tree-lined rivers or canals, motorways and railway lines with embankments, or main roads with strong boundary vegetation are some examples of physical features that restrict or contain development.
- 5.1.14 Urbanising influences could include adjacent development, which could be outside but adjacent to Green Belt land, or inset within the Green Belt. The strength of urbanising influence depends on presence or lack of intervening physical boundary features, the scale and visibility of the development, landform change, distance from the existing urban edge and strength of relationship with the wider countryside.
- 5.1.15 A school site lies to the west of the site, the A505 to the south, and a tree lined brook lies to the east, with patchy existing development lying to the east of the brook. To the north of the site is a boundary hedge with a maximum height of 6m.
- 5.1.16 This hedge is not considered a physical feature that could restrict or contain development. The Green Belt in Hertfordshire is rural, and agricultural in its nature. Field hedges are a regular feature. In this context, and in the context of several development sites both planned and unplanned within the District being developed through similar hedge field boundaries, it is not considered that the hedge is a reasonable physical feature which would contain development. The boundary is not a physical barrier to movement, and while it has some role in visual screening, it would not eliminate the sites, if developed, urbanising influence on other land within the Green Belt given the height and proximity of dwellings to the boundary. When considering that the development would merge urban influence with the School to the west, there is no strong natural landscape element which would limit views to the resultant urbanised area (a soft landscape hedgerow of differing strength lies to the west of the School).
- 5.1.17 If the site were developed, it would introduce an urbanising feature to other land within the Green Belt, particularly the parcel to the north and west towards Hitchin. This urban influence would weaken the contribution of land to the north and west to purpose (a). It must be concluded as a result that the physical feature would not restrict or contain development as a result of the development of the lands influence on the contribution towards purpose (a) for adjoining land which would otherwise have a strong contribution.
- 5.1.18 The land, if developed, would result in an incongruous pattern of development. It is not considered that the sporadic residential dwellings with significant space around them to the east of the brook would relate well or at all to the proposed development in regards layout, scale and landscape. As above, the development of the site would extend the existing urbanising influence of the school site to the West. The site would stand alone from Hitchin and appear incongruously independent of any settlement or significant

development. The development would not be integrated with any pattern of development. An extended 'finger' of development into the Green Belt is not a closed list of what could be considered an incongruous pattern of development, however, patchy development such as this along the A505 towards Little Wymondley could quickly become an extended finger adjoining the settlements.

- 5.1.19 If the land subject to this application is found not to have a strong contribution to this, or the other, purposes, it would be Grey Belt. However, it remains worthwhile exploring other criteria set out within the PPG for other levels of contribution to see if the land fits more comfortably.
- 5.1.20 Assessment areas that contribute moderately to purpose (a) are likely to be adjacent or near to a large built up area but include one or more features that weaken the land's contribution. The following is not a closed list, but some examples given in the PPG –
- having physical feature(s) in reasonable proximity that could restrict and contain development
  - be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development
  - contain existing development
  - being subject to other urbanising influences
- 5.1.21 Physical features have been considered above and concluded there is an absence of physical features restricting or containing development to the north and west. The site is partially enclosed by the School site to the west, but the character of the School site is materially different to the character of the proposed development and does not result in the development being compatible with the pattern of development in the surrounding area. The site does not contain existing development. It is acknowledged that the school has some urban influence as a result of adjoining land use generally associated with urban areas, however, the land is not directly subject to urbanising influence. The adjoining urban influence does not detract from the application sites strength of relationship with the wider countryside, as the School site is and appears as an isolated area of development in the open countryside. As a result, the site does not fall comfortably within the definition of a moderate contribution to purpose (a).
- 5.1.22 In considering this matter, consideration has been given to the Green Belt study, and conclusions on the wider parcel considered therein. It is accepted that the Green Belt study conclusion is not definitive of each bit of land within that parcel, and the above assessment is specific to the site subject to this application.

*Purpose (b)*

- 5.1.23 Purpose (b) sets an objective of preventing neighbouring towns merging into one another.
- 5.1.24 In this case, this site lies between Hitchin and Stevenage, both towns for the purposes of their respective local plans. The gap lies broadly along the east-west axis.
- 5.1.25 The site is free of development.

- 5.1.26 Taking a linear view, Stevenage is separated from Hitchin by approximately 3km considering the extent of the Green Belt as allocated in Stevenage Local Plan. The site represents approximately 250m of that gap in terms of the sites width. Little Wymondley intersects the gap between Hitchin and Stevenage when drawing a straight line through the land subject to this assessment. Little Wymondley is not within the Green Belt and represents around 900m of the 3km gap between the towns. Kingshott School is also an urbanising feature intersecting the gaps between the proposed development site and the two towns and is approximately 280m in width.
- 5.1.27 An assessment must be made as to whether the circa 250m width of the site forms a substantial part of the gap between Hitchin and Stevenage. It would be reasonable to conclude that Little Wymondley and Kingshott School individually represent urban features which reduces the gap between Hitchin and Stevenage, reducing the approximate 3km gap to around 1,820m. The site subject to this application, at its maximum width, represents around 14% of the open, un-urbanised space forming and defending the merging of Stevenage and Hitchin.
- 5.1.28 This linear view does not account for other space separating Hitchin and Stevenage in a non-linear. Hitchin is around 4km measured along the north-south axis, with Stevenage approximately 6km. The site is around 200m measured along a north-south axis, representing 5% of the size of Hitchin.
- 5.1.29 It is not considered that the site forms a substantial part of the gap between Stevenage and Hitchin. It is also not considered that the site, if developed, would result in the loss of visual separation between towns. As a result, it is not considered that the site considered on its own merits would have a strong contribution to purpose (b) of the Green Belt.
- 5.1.30 I do not agree with the applicant's consideration that the site forms a very small part of the gap between towns and does not make a visual contribution to that gap. It is considered that the gap between towns represented by the undeveloped site subject to this application is small, and could be developed without loss of separation, therefore performs moderately against purpose (b).

*Purpose (d)*

- 5.1.31 It is agreed that the site makes no contribution to the setting of historic towns.

*Footnote 7*

- 5.1.32 It is acknowledged that the site contains land which is subject to assessment against a footnote 7 policy that is not Green Belt, as the contains land that is within flood zones 2 and 3 pursuant to fluvial flood risk. Paragraph 006 of the PPG for Green Belt sets out the following –

*“As defined in the NPPF, grey belt excludes land where the application of policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development. In reaching this judgement, authorities should consider where areas of grey belt would be covered by or affect other designations in footnote 7. Where this is the case, it may only be possible to provisionally identify such land as grey belt in advance of more detailed specific proposals.”*

5.1.33 It appears that this approach relates to identifying land as Grey Belt when reviewing the Green Belt as a Local Planning Authority. That said, it is considered to represent a pragmatic approach to assessing a planning application for which footnote 7 policies apply. Following assessment against purposes (a), (b) and (d) above, I can come to a provisional position on whether the land is, by definition, Grey Belt.

*Provisional Conclusion on land assessment against the definition of Grey Belt*

5.1.34 The land is free of development, relates well to surrounding open countryside, is near to a large built-up area, lacks physical features in a reasonable proximity to contain or restrict development, and would, if developed, result in an incongruous pattern of development and have an urbanising impact on adjoining Green Belt land that contributes strongly to purpose (a). The land is found to make a strong contribution to purpose (a) of the Green Belt, and as a result, is precluded from the definition of Grey Belt.

*Green Belt*

5.1.35 The land is Green Belt, and therefore, an assessment must be undertaken as to whether the site is exempt from definitional inappropriateness, and from that point, the impact of the development on the Green Belt.

5.1.36 The development is for the erection of dwellings and material change of use of the land, for which there is no applicable exemption within paragraph 154 of the NPPF.

5.1.37 The development is thus inappropriate development within the Green Belt, and inappropriate development is, by definition, harmful to the Green Belt. Substantial weight is given to any harm to the Green Belt, including harm to its openness.

*Openness*

5.1.38 The applicant's case on spatial openness relies upon the site being adjacent to built development to the east and west, the road to the south, and a hard landscape edge to the north. Openness is absence of built form and has a spatial and visual component.

5.1.39 In a spatial sense, the site currently holds no built form, promotes no movements, and no activity that could be considered urban. The proposed development would introduce a significant amount of built form on a site that is currently open, at a significant scale. The development would also introduce a significant number of trips to and from the site by all modes, and associated highways improvements to accommodate the increase in movements.

5.1.40 Assessed against the overarching purpose to keep land permanently open, the introduction of the built form proposed would have a significant impact on spatial openness.

5.1.41 Visual openness will be mitigated to some degree by existing and proposed landscaping, however, the built form would still have some moderate visual impact on openness from viewpoints that currently contribute to the visual openness of the Green Belt through the current absence of built form. In addition, the development itself will change the way in which people experience the site and its built form, with a pedestrian and cycle route

avoiding the A505 for those travelling from Little Wymondley and beyond to Hitchin and beyond.

- 5.1.42 There would be a cumulative significant impact on openness pursuant to the proposed development, taking a reasonable balance between the significant spatial impact and moderate visual impact.

*Purpose (c)*

- 5.1.43 Purpose (c) of the Green Belt is to assist in safeguarding the countryside from encroachment. Key considerations include whether the site can be considered part of the countryside, the level of urbanising influence affecting it, and whether or not development would considerably increase urbanising influence on adjacent open land.
- 5.1.44 The site is open and has clear connections to the wider open countryside to the north via the existing field hedgerow. The site is not isolated from the wider countryside, and it does not have a use which creates a strong association with an urban area. It is not considered that the school or nearby small number of dwellings on the east side of the brook results in existing urban development which detracts from the sites current value as part of the countryside. This is in part due to the strong separation from the dwellings to the east via the brook and its associated planting. It is considered that the school does not have a significant urbanising influence on the site as a result of its alternate scale, form and character compared to the proposed development of the site.
- 5.1.45 The development of the site would have a significant urbanising influence on surrounding parcels of the Green Belt, degrading the contribution those areas have to purpose (c) of the Green Belt.
- 5.1.46 Overall, the site is considered to have a strong contribution to purpose (c). The development proposed would significantly harm the current contribution of the site to assisting in safeguarding the countryside from encroachment, which in-of-itself is strong.

*Purpose (e)*

- 5.1.47 Green Belt inherently plays a strong role assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. Release of Green Belt land will discourage the recycling of derelict and other urban land as derelict and other urban land has a higher existing use or land value than open countryside land. The development of countryside land has less associated development costs such as contamination remediation or demolition. As such, the site has a strong contribution to purpose (e), and the development of the site would eradicate the sites contribution to this purpose.

*Conclusion on Green Belt*

- 5.1.48 The proposed development would result in significant harm to the Green Belt in respect to the impact on the contribution of the site to; the openness of the Green Belt; checking the unrestricted sprawl of Hitchin; assisting in safeguarding the countryside from encroachment, and; assisting in urban regeneration, by encouraging the recycling of derelict and other urban land individually. The harm to each of these contributions is significant given the assessment of the impact of the development against the individual contributions of the site to those purposes. In addition, moderate harm would occur to

safeguarding the countryside from encroachment. Cumulatively, the harm is very significant.

#### *Golden rules*

- 5.1.49 50% affordable housing is proposed in terms of unit numbers, however, as set out later in this report, the affordable housing mix is not policy compliant in regards to tenure or unit sizes. As a result, the development fails to provide 50% policy compliant affordable housing mix and is not compliant with this requirement of the Golden Rules.
- 5.1.50 The site would provide new green space to the east of the site which will be accessible to the public, albeit, the likelihood of public use of the space outside of the residents of the site itself is limited due to the sites isolation from existing residential development, and the green space not being a destination in-of-itself.
- 5.1.51 As a result of outstanding objections from key consultees, and accompanying reasons for refusal, Heads of Terms cannot be agreed at this stage, and the development fails to mitigate its impacts in regards to infrastructure contributions.

## **5.2 Affordable housing and housing mix**

- 5.2.1 The proposed development would provide 50% affordable housing, equating to 25 units. Within that, 48% (12) would be shared ownership units, and 52% (13) would be affordable rented units. The dwelling sizes within each tenure would be 50% (6) 2 bed shared ownership houses, and 50% (6) 3 bed shared ownership houses, and 69% (9) 3 bed affordable rent houses, and 31% (4) 2 bed affordable rent houses.
- 5.2.2 The 52% affordable rented tenures of affordable housing fails to comply with policy HS2 b). Whilst 13 affordable rented tenures would accord with the policy requirements of policy HS2 in the event 40% affordable housing was provided on site, it is considered policy HS2 b) is still relevant in application of paragraph 157 of the NPPF. No justification is provided for the non-compliance with part b) of policy HS2, and no material considerations warrant a decision be made otherwise than in accordance with this tenure mix.
- 5.2.3 The 2023 North Herts and Stevenage Strategic Housing Market Assessment (SHMA) update for the 65% (16) rented tenure shows the following mix best meets housing need:
  - 7% x 1 bed flats (1)
  - 9% x 2 bed flats (1)
  - 22% x 2 bed houses (4)
  - 50% x 3 bed houses (8)\*
  - 10% x 4 bed houses (2)
  - 2% 5+ bed houses. (0)
- 5.2.4 For the 35% (9) affordable home ownership tenure the 2023 SHMA shows the following mix best meets housing needs:
  - 22% x 1 bed flats (2)

15% x 2 bed flats (1)

43% x 2 bed houses (4)

20% x 3 bed houses (2)

- 5.2.5 \*Evidence from the housing register suggests the number of three-bed houses recommended in the SHMA is greater than required and there is high housing need for two-bedroom family homes and a need for larger (4+ bedroom) family homes for rent. The provision of an increased number of two-bedroom houses and fewer three-bedroom houses would therefore be considered favourably.
- 5.2.6 In addition, there is a growing need for larger (3 and 4 bed) M4(3) wheelchair adapted homes, for families.
- 5.2.7 The proposed affordable housing unit mix provides for the full 10% M4(3) policy requirement within 3b5p bungalows, which goes some way towards the growing need for wheelchair adapted homes for families. This is the minimum policy requirement of Local Plan policy HS5. The rest of the affordable units will be built to M4(2) standards in order to accord with part a) of policy HS5, albeit, it is acknowledged that it is not a requirement for the affordable housing to be M4(2) and the applicant could have accommodated some M4(2) standard units into the private housing mix.
- 5.2.8 Notwithstanding the issue of tenure mix, the split of size of units within the tenure split appears is not in line with the latest housing needs evidence. Whilst acknowledging the overprovision of housing against flats within the development, there is no justification for the excessive representation of 3 bed affordable rented dwellings and absence of 4 bed affordable dwellings.
- 5.2.9 It is not considered that the provision of M4(2) standard affordable housing units overcomes the issues regarding non-compliance the latest SHMA combined with housing register information in regard to both tenure mix and size of units within those tenure mixes.
- 5.2.10 Whilst the market housing provision balances the overall total housing unit sizes for 2 bedroom and 3 bedroom units, it overprovides 4 bedroom housing in-of-itself, and exceeds the tolerance from the under-provision in the affordable housing mix. Whilst the total proposed housing mix in regards to unit size may be considered appropriate if mixed appropriately between affordable and market housing, it is not, and the housing mix proposed is considered non-compliant with policy HS5. Notwithstanding the benefits of affordable housing, moderate weight should be attributed to the non-compliance with policy HS2 and HS5.

### **5.3 Design**

- 5.3.1 NHLP Policy SP9 allows for masterplans to be produced for '*significant development*', which '*generally comprises residential development of 100 dwellings or more. Exceptionally, developments under 100 dwellings will be considered significant if there are site specific complexities and sensitivities that require a masterplan-led approach*'. Whilst the site is within the Green Belt, it is not considered that this constraint is design related or makes the development of the site complex or sensitive in design terms, and

full details are presented for assessment. As such, it is not considered the development necessitates the masterplan approach.

- 5.3.2 Policy D1 of the Local Plan sets expectations that the development responds positively to the sites context. In addition, the development should take opportunities to create or enhance public realm, incorporate SuDS, reduce energy consumption and waste, retain existing vegetation and propose appropriate new planting, maximise accessibility and physical and social connectivity internally and with neighbouring areas, design out opportunities for crime and anti-social behaviour, and minimise the visual impact of street furniture and parking provision. The proposal should also have regard to the Design SPD and any other relevant guidance, and meet or exceed nationally described space standards and optional water efficiency standards.

#### *Appearance*

- 5.3.3 The supporting Design and Access Statement selects some un-inspiring contextual dwellings on the edge of Hitchin, near the centre of Hitchin, within Kingshott School (both education and residential buildings, and one example within Little Wymondley. Even with these un-inspiring contextual analysis selections, the proposed development fails to draw any of the best features of the appearance of these images, such as the high quality appearance dwellings on the north east edge of Kingshott School, the chimney stacks and two storey bay windows at Wymondley Road, Hitchin, and the curved ground bay window and window to brick ratio of Grimstone Road, Little Wymondley.
- 5.3.4 The proposed dwellings, in terms of appearance, introduces alien details in regards to appearance even considering the ill-informed contextual analysis, including large areas of white weatherboarding, soldier course brickwork above windows that is only found above a single window in a modern development in Hitchin within the contextual analysis, inappropriate window to brick proportions, inconsistent fenestration sizing throughout, as well as spacing/symmetry in terraces (such as plots 16-18), half weatherboarded dwellings (distributed both horizontally and vertically), and patchy, peppering of materials with no particular pattern or strategy.
- 5.3.5 In respect to appearance, it is considered that the proposed development would not respond positively to its context, and would fail to take reasonable opportunities to create public realm.

#### *Layout*

- 5.3.6 The proposed layout provides triplication of parallel roads, the A602, the link road to Kingshott School and sports pitches, and then the access road for the proposed development. This is an inefficient use of land, which is not explained in the supporting Design and Access Statement or other supporting documents, and provides for a poor layout and bad placemaking.
- 5.3.7 There is no overlooking of the open space to the east, with dwellings backing onto it. There are also only two routes through from the development to the open space. This layout would lead to unsafe green space which would fail to integrate into the proposed development and fail to design-out crime and anti-social behaviour.

- 5.3.8 The proposed parking court is car dominated with little active frontage onto it. There are also long linear elements of frontage parking with little landscape relief, and examples of parking areas addressing each other on both sides of parts of the streets. Where side on-plot parking is proposed with garages, there is an overprovision of parking against standards set in the policies and guidance, and the garages in the rear gardens result in small and unattractive rear garden areas, especially when facing reinforced landscape boundaries, which would be under pressure for reduction given the impact on usability of the resultant diminutive amenity areas. It is also noted that key vistas along streets terminate with car parking in front of dwellings. Overall, the layout is car dominated, failing to minimise the visual impact of parking provision.
- 5.3.9 The curved streets result in patches of green space which lack a sense of purpose or ownership, which could cause maintenance issues, and appears inefficient use of space. Furthermore, the development backs onto edges, resulting in an inward-looking development that fails to take opportunities to integrate, or at least promote views towards, the open countryside, which is a key characteristic of the existing site and surrounding area.
- 5.3.10 The planning statement makes reference to play-on-the-way, as well as an open space strategy being submitted to support the application. It is not considered that play-on-the-way has been demonstrated within the layout, and the LAP is not considered appropriately located (within a flood zone, not actively overlooked, and not integrated within the development itself).
- 5.3.11 On a larger scale, the development would be laid out on a site which would not be or appear to be related to any settlement, and would present as a standalone, isolated development of alien residential form in its context. Whilst appearing isolated in its surroundings, the development of the site also sits in a sensitive corridor between Hitchin and Little Wymondley. The increase in built form of residential scale and massing in this corridor would decrease the sense of separation between these settlements, contributing to the developments failure to accord with and respect existing patterns of development. The development of the site would be incongruous to the pattern of development in the surrounding area.
- 5.3.12 The layout does not respond positively to the site's context, fails to take reasonable opportunities to design-out crime and anti-social behaviour, enhance or create public realm, or minimise the visual impact of parking provision.

#### *Scale*

- 5.3.13 There are two identifiable sections of development in respect to scale. A small section of development in the west corner, closest to Kingshott School, is single storey in scale. The rest of the site is two storeys in height. Overall, there is no objection to the scale of development in regard to reflecting the sites context and other potential impacts on the aims and objectives of policy D1.

### *Conclusion on Design*

5.3.14 In respect to matters relating to the application of policy D1, which aligns with the requirements set out in section 12 of the NPPF, in the context of its application to appearance and layout, the development fails to accord, resulting in harm to the experience of place and presents an incongruous pattern of development. The harm resultant from the conflicts identified weighs significantly against the proposal in the planning balance.

## **5.4 Landscaping**

5.4.1 Policy NE2 sets out that development proposals should respect the sensitivities of the relevant landscape character area and have regard to the guidelines identified for built development and landscape management. Furthermore, the development should not harm the character and appearance of the surrounding area or landscape character area, be designed and located to ensure the health and future retention of importance landscape features and consider long-term management and maintenance of existing and proposed landscaping.

5.4.2 Policy NE6 requires development make provision for new open space which meets the needs arising from the development, contributes towards improving provision, quality and accessibility of open space, and incorporates necessary open space buffers for landscape, ecological or air quality reasons. This includes and backreferences a requirement in policy NE4 regarding biodiversity, which requires a buffer of complementary habitat for designated sites and other connective features, wildlife habitats, priority habitats and species into the ecological mitigation and design.

5.4.3 Policy D1 requires the incorporation of SuDS, and retain existing vegetation and propose appropriate new planting, both of which are landscaping considerations.

5.4.4 Place services have been consulted to respond on landscape matters on behalf of North Hertfordshire Council. Despite concerns in regards methodology in the supporting assessment, Place Services consider LCA216 has a moderate sensitivity. Place Services disagree with the assessment of the magnitude of landscape effects, setting out that no overall effects judgement is provided, and a lack of other landscape receptors considered. Place Services consider that an assessment that sets out the overall landscape effects and considers other landscape receptors would find the development would result in a large magnitude of change. That said, the response does not disagree fundamentally with the outcome of the LVIA which sets out major/moderate adverse and major adverse impacts respectively for views 8 and 10, falling to moderate adverse effects at year 15. Overall, it is considered that the site would respect the sensitivities of the landscape character area.

- 5.4.5 Notwithstanding the impact visual impact and landscape character area appraisal, Place Services raise concerns over the lack of natural surveillance of the public open space, and the impact of the development of the site on the contribution it has to separating two distinctly separate settlements of Hitchin and Little Wymondley. Place Services suggest additional hedgerow and tree planting along the southern boundary, particularly around the entrance to the site, as well as the relocation of the substation, raise similar concerns around car dominance as set out under *Layout* above, lack of low-level planting under the power lines, lack of planting integrated into the SuDS feature, and use of close boarded fence boundary treatments exposed to public realm, as well as their use backing onto outer boundaries where softer treatments encouraging wildlife permeability should be provided.
- 5.4.6 The North Hertfordshire Council Ecology consultee has responded setting out concerns regarding the layout of the development providing private rear gardens onto the hedgerow bounding the north of the site. The hedgerow is recorded as a native hedgerow with trees and is in good ecological condition representing an ecological corridor. Policy NE4 requires a 12m buffer from such features, which is not proposed. Harm from the lack of 12m buffer would include pressure to remove or reduce ecological importance of the hedgerow, such as the category A tree with significant potential for future growth positioned at the end of a small residential garden. Additional harm is identified from uncontrollable light spill from private rear gardens on the potential foraging and commuting bats using the hedgerow. No assessment has been taken as to the level of use of the hedgerow for these purposes, so insufficient information has been provided to determine the impact of the development on these protected species.
- 5.4.7 Otherwise, the proposal accords with policies and duties in respect to biodiversity net gain, providing a net gain of 83% biodiversity units, subject to conditions and contributions recommended in the consultation response. This net gain is attributed significant weight in favour of the proposed development.
- 5.4.8 The contribution of the development of the site to the coalescence of Little Wymondley and Hitchin is agreed, to which harm has been attributed under *Layout* in combination with other matters, as has the lack of natural surveillance of the public open space. The other suggestions made in respect the proposed landscape do not give rise to conflict with local plan policies and thus are not afforded any weight against the proposed development.
- 5.4.9 The lack of information to ascertain the impacts, and the identified harm, to the important hedgerow corridor of ecological value to the north of the site as a result of non-compliance with the requirements of policy NE4 is attributed significant weight. The impact is entirely avoidable on the unconstrained windfall development proposed, and an appropriate complimentary habitat buffer could have been provided proportionate to the significance of the ecological asset, in this case, the hedgerow to the north boundary of the site.

5.4.10 The site is classified as agricultural Best and Most Versatile grade 3, with Natural England zonal maps predicting the likelihood of BMV agricultural land being high in this location (<60% of land area being BMV). No supporting site specific assessment has been provided supporting this application. Based on the information available, it is likely that the land would be, at least in part, grade 3a. That being said, the scale of the site and the grade of the land is such that limited weight against the proposed development is raised in regards loss of BMV.

## **5.5 Neighbouring amenity**

5.5.1 Policy D3 aims to protect the living conditions of adjoining occupiers from unacceptable harm. Such harm may arise from traffic generation, parking, loss of daylight and sunlight, noise, overlooking, pollution (including light pollution) and dominance as well as other issues.

5.5.2 The site is sufficiently distanced from sensitive receptor uses to not result in harm to the living conditions of the occupiers of adjoining premises in regards to loss of daylight and sunlight, noise, overlooking, pollution (including light pollution) and dominance. Sufficient parking is provided on site so no harm will occur through displaced on-street parking and associated transport issues. The access is also well separated from adjoining premises through retention of existing off-site landscaping along the brook such that no harm would occur to the living conditions of adjoining properties on Stevenage Road in regards to noise. This consideration is the same for the increased use of the small section of Stevenage Road from which the access is provided.

## **5.6 Access**

5.6.1 Policy T1 of the Local Plan says planning permission will be granted for developments provided that the development would not lead to highway safety problems or cause unacceptable impacts upon the highway network; mechanisms to secure any necessary sustainable transport measures and / or improvements to the existing highway network are secured in accordance with Policy SP7; c) Suitable Transport Statements, Transport Assessments and / or Travel Plans along with supporting documents are provided where required; and for major developments, applicants demonstrate (as far as is practicable) how the proposed scheme would be served by public transport, safe, direct and convenient routes for pedestrians and cyclists will be provided, and comprehensive integration into the existing pedestrian and cycle, public transport and road networks will be secured.

5.6.2 Whilst the development is under the threshold in the Local Plan, a transport assessment has been provided to support the application.

5.6.3 The Local Highways Authority has reviewed the submitted documentation supporting the application. They are unable to support the application. The LHA recommend refusal on the basis of insufficient information and unresolved concerns relating to highway safety, capacity, and compliance with current design standards.

- 5.6.4 The LHA consider anything at or above 0.90 RFC to be considered failing. The transport assessment supporting the application differs in opinion, considering 1.00 to indicate that traffic demand exceeds theoretical capacity. In addition, the LHA consider E-F categorisation in Level of Service to be unacceptable.
- 5.6.5 The transport assessment supporting the application setting out that the RFC at peak times at the A602 – Whitehill Road junction will exceed 0.90 and increase as a result of the proposal. In addition, the Level of Service and delays will increase at this junction. The increase in delays will result in more risky manoeuvres being undertaken by frustrated drivers. This increase in RFC and delays needs to be mitigated as a direct result of the proposed development. In the absence of any mitigation at the Whitehill Road – A602 junction, it is considered that the proposed development will have an unacceptable, severe residual cumulative impacts on highway safety. The proposed development fails to accord with the requirements of policy T1 of the Local Plan in regards to it leading to highway safety problems causing unacceptable impacts on the highway network in the absence of mechanisms to secure improvements to the existing highway network to mitigate that impact.
- 5.6.6 The LHA also consider the widening of the footpath between the proposed development and Stevenage Road to 1.8m in width to be insufficient to meet the aims of securing necessary sustainable transport measures promoting the hierarchy of transport modes. The LHA would require widening to 2m, and the widening to be extended along the A602 in suitable directions in line with desire routes to LTN1/20 standards. In addition, the LHA consider improvements to existing bus stops on Stevenage Road and on the A602 outside of Kingshott School to be necessary to make the development acceptable in response to the promotion of alternative modes of transport to the use of private motorised vehicles. Given the reliance on the proposed development in sustainability terms on these nearby bus stops, and the increased use of these facilities pursuant to the proposed development considering the scale they currently serve, improvements are considered reasonable and necessary. In addition, the footpaths along the A602, particularly towards Hitchin, suffer from diminutive width, and infrastructure improvements here are essential in promoting alternative modes of transport from the site in this particular desire route.
- 5.6.7 Internally, the access proposed fails to show 2m wide footways on both sides of the access road. The tracking used to evidence accessibility and servicing within the site uses incorrect refuse vehicle dimensions, tactile paving should be provided at internal crossing points, no visibility splays are provided for internal junctions, and no details of the connections to the public right of way have been submitted for assessment. The LHA also consider junction improvements to be required at the Stevenage Road – A602 junction due to known congestion and safety issues.

5.6.8 Given the potential severity of the impact of a cumulative severe highway safety concern resultant from the development without mitigation, significant weight is afforded to the concerns expressed by the LHA and conflict with policy T1 of the Local Plan, and section 9 of the NPPF, including paragraph 115 which, among other things, aims to provide safe and suitable access to the site can be achieved for all users and, that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

## **5.7 Flood risk and drainage**

5.7.1 The Lead Local Flood Authority have responded to consultation objecting to the planning application in the absence of an acceptable Flood Risk Assessment and Drainage Strategy and supporting information. The missing information relates to site specific infiltration testing, specific shortcomings of the drainage layout and hydraulic calculations, further information being required on the site access being in an area of flood risk and how this will be managed, further consideration of small rain gardens, SuDS planters, tree pits and similar should be explored to demonstrate the SuDS approach throughout the site, agreement in principle from the jurisdiction body in relation to the proposed discharge rate (into the brook), and a high level assessment of how surface water will be managed during construction phase.

5.7.2 The Environment Agency have objected to the proposed development as a result of the FRA not demonstrating that there would be no increase in flood risk elsewhere due to a loss of floodplain storage and/or impedance of flood water flows as a result of ground level raising proposed. Ground level raising within the flood zone is not acceptable unless compensation can be provided to ensure no increase in flood risk elsewhere. In addition, the FRA mapping of flood zones differs to the flood zones shown on the EA Flood Map for Planning.

5.7.3 Paragraph 175 of the NPPF sets out that *“The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).”*. The flood risk assessment submitted in support of the application sets out that, as *“all the development will be located within Flood Zone 1, the site is considered to have passed the Sequential Test.”*. Localised rising in land levels would result in the access route currently within flood zone 2 and 3 would be within flood zone 1, and as a result would not be at risk of flooding, and as such, the sequential test would not be required.

5.7.4 Notwithstanding this, the FRA then fails to consider the implications of that rising in land levels in regards to giving rise to flood risk elsewhere, as set out in the response from the Environment Agency, resulting in a conflict with paragraphs 170 and 181 of the NPPF. In addition, the LLFA have identified insufficient information to satisfy compliance with paragraphs 181, 182 and 187 of the NPPF. The insufficient information and lack of evidence of compliance with section 14 and 15 of the NPPF, as well as Local Plan policies NE7 and NE8, is considered a strong reason for refusal of the application.

## **5.8 Environmental health**

5.8.1 A noise report has been provided that satisfies that mitigation can be provided to reduce the noise impact from a nearby MOT centre on the occupiers of future dwellings. The noise report does not appraise the impact of the community use of nearby sports pitches within Kingshott School on future residents. The development is the agent of change and should fully consider and mitigate any impact on the future occupiers to ensure no unreasonable burden of mitigation on the existing community use which has significant social benefits. In the absence of any evidence, the proposed development represents a threat to the ongoing social benefit of the community use of sports pitches in the nearby area.

## **5.9 Energy and sustainability**

5.9.1 Utilising a fabric first approach, and air source heat pumps throughout, the proposed development will accord achieve silver for Optimising Passive Design & Fabric Performance, and bronze for the other criteria in the energy and sustainability SPD. Moderate weight in favour of the proposed development is given on this basis, subject to conditions that appropriately secure those measures and targets set in the supporting documents.

## **5.10 Archaeology**

5.10.1 Subject to an appropriately worded set of conditions, as recommended by the Historic Environment team at HCC, the development would have no unacceptable impact on subterranean heritage assets.

## **5.11 Infrastructure contributions**

5.11.1 HCC Growth and Infrastructure team have provided a response requesting infrastructure contributions to projects regarding education, childcare, library facilities, youth services, waste services, fire and rescue services and monitoring fees.

5.11.2 North Hertfordshire Council are seeking affordable housing. No other contributions are being sought at the stage of recommendation of this application.

5.11.3 No response has been received from the NHS seeking contributions towards any health infrastructure at the point of recommendation of this application.

5.11.4 HCC Highways cannot support the application as it is presented, and as such, have not provided any infrastructure contributions required to make the development acceptable in planning terms, as the view is it cannot be made acceptable in planning terms at this moment.

5.11.5 No draft heads of terms have been provided to the developer for agreement as complete infrastructure mitigation requirements cannot be provided by the Local Planning Authority as a result of the inadequacies of the information provided with the application.

## 5.12 Planning balance

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

Issue	Effect	Weight
Provision of 25 affordable homes	Benefit*	Very significant
Provision of 25 market homes	Benefit*	Significant
Sustainability credentials	Benefit*	Moderate
Biodiversity Net Gain	Benefit*	Significant
Ecology (complimentary habitat buffer)	Harm	Significant
Green Belt	Harm	Very Significant
Flood Risk	Harm	Significant
Affordable Housing Tenure and Size Mix	Harm	Moderate
Highways	Harm	Significant
Design	Harm	Moderate
Environmental Health (Noise)	Harm	Moderate
Best and Most Versatile Agricultural Land	Harm	Limited
Planning obligations identified	Neutral*	None
Landscape	Neutral*	None
Archaeology	Neutral*	None
Residential amenity	Neutral*	None

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

5.12.2 The Golden Rules are not applied as the site does not provide policy compliant 50% affordable housing in respect to tenures and unit sizes, and necessary infrastructure contributions have not been identified within the transport assessment to mitigate the impact on the local highways network.

5.12.3 It is acknowledged that the Council cannot demonstrate a five-year housing land supply. As a result of the assessment above, the application of footnote 7 policies (Green Belt and Floor Risk) provide strong reasons for refusal. As a result, the application should be assessed on a neutral balance.

### **5.13 Conclusion**

5.13.1 The Green Belt assessment of this report makes a provisional conclusion that the site is not Grey Belt by reason of the lands strong contribution to purpose (a) of the Green Belt. Following assessment, it is considered that the application of footnote 7 policies regarding flood risk provides a strong reason for refusal, precluding the development from the definition of Grey Belt. The proposed development also fails to adhere to the Golden Rules in regards to policy compliant 50% affordable housing provision, and necessary infrastructure contributions to mitigate the impact on the local highways network. The proposed development thus fails to comply with parts a. and d. of paragraph 155 of the NPPF and would be inappropriate development within the Green Belt.

5.13.2 In addition to definitional harm through inappropriateness, which is attributed substantial weight, the proposed development would result in significant harm to the Green Belt in respect to the impact on the sites contribution to; the openness of the Green Belt; checking the unrestricted sprawl of Hitchin; assisting in safeguarding the countryside from encroachment, and; assisting in urban regeneration, by encouraging the recycling of derelict and other urban land individually. The harm to each of these contributions is significant given the assessment of the impact of the development against the individual contributions of the site to those purposes. In addition, moderate harm would occur as a result of the developments impact on the sites contribution to safeguarding the countryside from encroachment. Cumulatively, the harm is very significant.

5.13.3 The application provides insufficient information in regards to flood risk and impact on the local highways network to satisfy the Local Planning Authority that no harm would occur. The development fails to comply with policy NE4 in regard to the provision of a complimentary habitat buffer resulting in material harm to ecological assets. The development is also poor-quality design in respect to layout and appearance.

## Alternative Options

None applicable

## Pre-Commencement Conditions

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

### 6.0 Legal Implications

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

### 7.0 Recommendation

7.1 That planning permission be **REFUSED** for the following reasons:

1. The development would be inappropriate development in the Green Belt. The development would result in significant harm to the Green Belt in respect to the impact on the sites contribution to; the openness of the Green Belt; checking the unrestricted sprawl of Hitchin; assisting in safeguarding the countryside from encroachment, and; assisting in urban regeneration, by encouraging the recycling of derelict and other urban land individually and moderate harm to the sites contribution to safeguarding the countryside from encroachment in addition to the substantial harm attributed to definitional inappropriateness. The proposal conflicts with section 13 of the National Planning Policy Framework and should be refused for this reason.
2. The application is not supported by an appropriate Flood Risk Assessment that demonstrates that the flood risk will not be increased elsewhere as a result of changes in land levels within Flood Zones 2 and 3 to facilitate the lifting of the access to flood zone 1, the flood zone mapping being inconsistent with the EA Flood Map for Planning, lack of infiltration testing and shortcomings of the drainage layout and hydraulic calculations. The proposal conflicts with policies NE7 and NE8 of the Local Plan, and sections 14 and 15 of the National Planning Policy Framework.
3. Insufficient information within the supporting Transport Assessment has resulted in unresolved concerns relating to highway safety, junction capacity and impacts, and compliance with current design standards in regards to footpath widths, internal swept path analysis and visibility splays. No mitigation has been proposed which would overcome potential significant harm to the safe use of the local highway network. The development conflicts with policy T1 of the Local Plan and section 9 of the National Planning Policy Framework.

4. The proposed development fails to provide a complimentary habitat buffer to a native hedgerow with trees bounding the north of the site, which is in good ecological condition representing an ecological corridor. Pressure from occupiers of dwellings backing onto the corridor, and uncontrolled lighting in private rear gardens, will result in harm to the ecological value of this asset. The development fails to accord with policy NE4 of the Local Plan, and section 15 of the National Planning Policy Framework.
5. Insufficient information is provided within the application in regard the potential noise impact on the future occupiers of the dwellings pursuant to the community use of sports pitches within the adjoining Kingshott School. This could result in noise complaints and threaten the longevity of the community use of sports pitches and the ongoing social benefits it provides. The development conflicts with section 15 of the National Planning Policy Framework.
6. The proposed development would represent poor quality design, failing to respond positively to its context, failing to take reasonable opportunities to create public realm, failing to minimise the visual impact of parking provision, failing to design-out crime and anti-social behaviour by backing onto the public open space and not integrating play into the developable area. would present as a standalone, isolated development of alien residential form in its context. The development would appear isolated in its surroundings. The development of the site would increase in built form of residential scale and massing in a sensitive countryside corridor between Hitchin and Little Wymondley, materially decreasing the sense of separation between these settlements, contributing to the developments failure to accord with and respect existing patterns of development. The development of the site would be incongruous to the pattern of development in the surrounding area, resulting in harm to the experience of place and presents an incongruous pattern of development. The proposal fails to accord with policy D1 of the Local Plan, and section 12 of the National Planning Policy Framework.

### **Proactive Statement**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through early engagement with the applicant at the pre-application stage. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraph 38) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

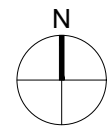
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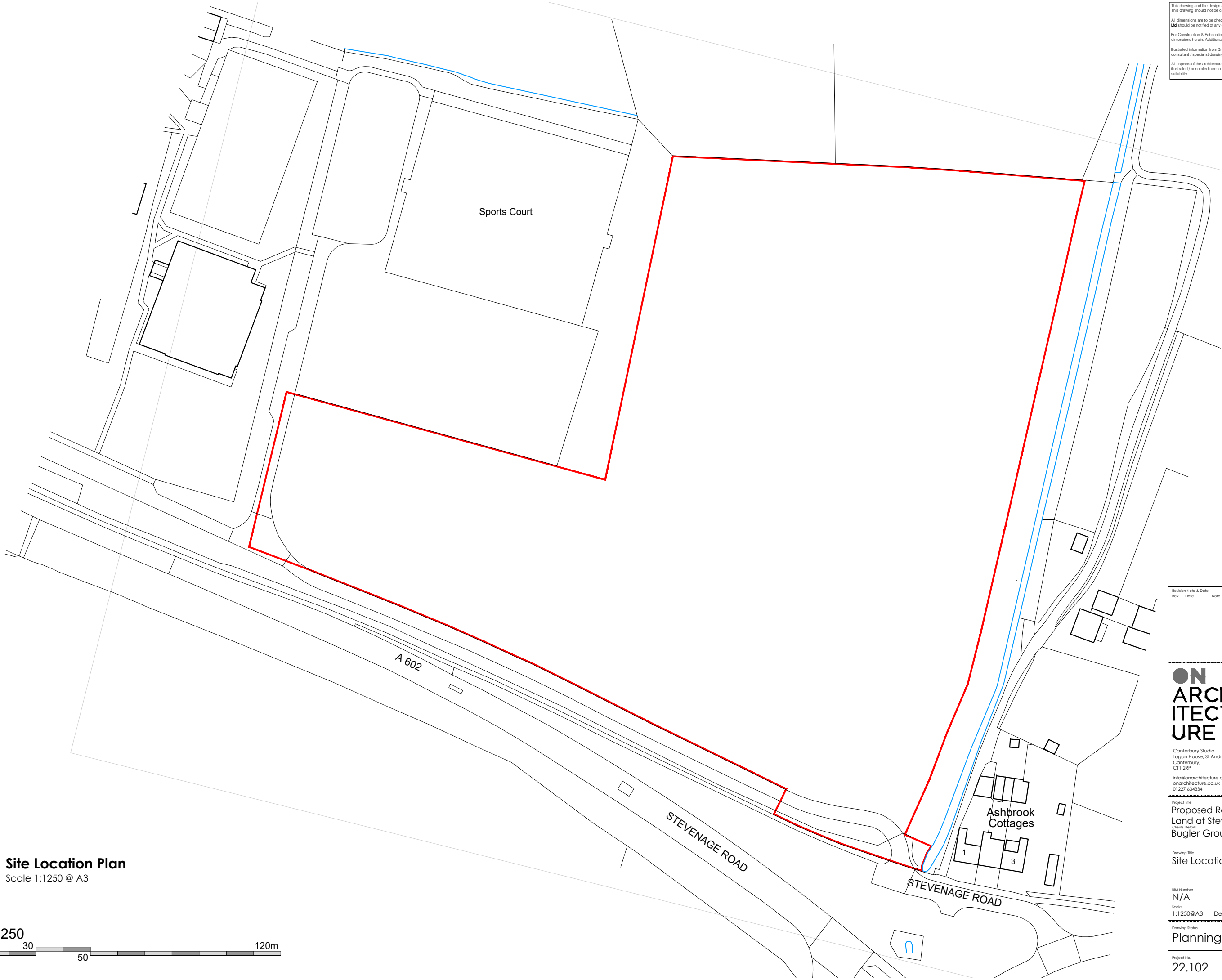
For Construction & Fabrication Purposes - Do not scale from this drawing, use only the illustrated dimensions herein. Additional dimensions are to be requested and checked directly.

Illustrated information from 3rd party consultants/specialists is shown as indicatively only. See other consultant / specialist drawings for full information and detail.

All aspects of the architectural design concerning fire performance / fire safety (whether or not illustrated / annotated) are to be considered as 'For Approval' only, irrespective of the drawing status / suitability.



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Revision Note & Date		Amended	Checked
Rev	Date	Note	



Canterbury Studio  
Logan House, St Andrews Close  
Canterbury,  
CT1 2RP  
info@onarchitecture.co.uk  
onarchitecture.co.uk  
01227 634334

Project Title  
**Proposed Residential Development,  
Land at Stevenage Road, Hitchin  
Bugler Group Ltd**

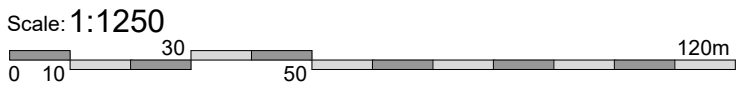
Drawing Title  
**Site Location Plan**

Blk Number	Date	Drawn	Checked
N/A	Dec 2025	GA	DK

Drawing Status  
**Planning Issue**

Project No.	Drawing No.	Status	Revision
22.102	01	P	-

**Site Location Plan**  
Scale 1:1250 @ A3



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<u>Location:</u>	<b>Land North of Highover Farm to Stotfold Road, Highover Way, Hitchin, Hertfordshire</b>
<u>Applicant:</u>	<b>Barratt David Wilson c/o Rapleys LLP</b>
<u>Proposal:</u>	<b>Reserved Matters application for Construction of Phase 1 Residential comprising 236 dwellings, associated road, drainage, servicing/utilities infrastructure, landscaping and open space provision in accordance with condition 3 of 18/01154/OP (and the partial discharge of associated condition 19)</b>
<u>Ref. No:</u>	<b>25/02794/RM</b>
<u>Officer:</u>	<b>Sarah Kasparian</b>

**Date of expiry of statutory period:** 6 February 2026

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

### **Reason for Delay**

Negotiation on detailed aspects and following further re-consultation

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

The site area for this application exceeds 0.5ha.

#### **1.0 Relevant History**

1.1 These reserved matters are the subject of outline planning permission ref. 18/01154/OP. There is another previous application for reserved matters which has been approved for 'phase 0' ref. 24/02780/RM relating to infrastructure including the main road through the site and site wide drainage infrastructure. The applicant has also sought to discharge various conditions to the outline planning permission ref. 18/01154/OP.

#### **2.0 Policies**

##### **2.1 North Hertfordshire District Local Plan (NHLP) 2011-2031 and Proposals Map**

Policy SP1: Sustainable Development in North Hertfordshire  
Policy SP2: Settlement Hierarchy  
Policy SP6: Sustainable transport  
Policy SP8: Housing  
Policy SP9: Design and Sustainability  
Policy SP10: Healthy Communities  
Policy SP11: Natural resources and sustainability  
Policy SP12: Green infrastructure, landscape and biodiversity  
Policy SP13: Historic Environment  
Policy T1: Assessment of transport matters  
Policy T2: Parking  
Policy HS1: Local Housing Allocations

Policy HS2: Affordable Housing  
 Policy HS3: Housing mix  
 Policy HS5: Accessible and adaptable housing  
 Policy D1: Sustainable design  
 Policy D3: Protecting living conditions  
 Policy D4: Air quality  
 Policy HC1: Community facilities  
 Policy NE1: Strategic green infrastructure  
 Policy NE2: Landscape  
 Policy NE4: Biodiversity and geological sites  
 Policy NE6: New and improved open space  
 Policy NE7: Reducing flood risk  
 Policy NE8: Sustainable drainage systems  
 Policy NE9: Water quality and environment  
 Policy NE10: Water conservation and wastewater infrastructure  
 Policy NE11: Contaminated land

2.2 The site is identified in the NHLP as a housing site ref. HT1 in Policy SP17, which sets out specific masterplanning criteria for the site.

2.3 **Supplementary planning documents:** Design (2011); and Sustainability (2024). Draft District Design Code was published for consultation in March 2026.

2.4 **NPPF** (December 2024): Generally, and specifically:

Section 2: Achieving sustainable development  
 Section 5: Delivering a sufficient supply of homes  
 Section 6: Building a strong competitive economy  
 Section 8: Promoting healthy and safe communities  
 Section 9: Promoting sustainable transport  
 Section 11: Making effective use of land  
 Section 12: Achieving well-designed places  
 Section 13: Protecting Green Belt land  
 Section 14: Meeting the challenge of climate change, flooding and coastal change  
 Section 15: Conserving and enhancing the natural environment  
 Section 16: Conserving and enhancing the historic environment

### 3.0 **Representations**

3.1 **HCC Growth and Infrastructure Unit** – No comment

3.2 **HCC Ecology** – No objection. Comment regarding swift bricks in phase 1 which can be incorporated into the LEMP which is subject to a separate application

3.3 **Hertfordshire Highways** – No objection to this phase, subject to conditions and addressing the tracking of large vehicles

3.4 **Lead Local Flood Authority** – No objection

3.5 **HCC Fire and Rescue** – No objection

3.6 **NHDC Housing Supply Officer** – Comments about the distribution of mix and tenure over the whole of the phased development with a concentration of flats in this phase and therefore more 1 and 2 beds in this phase.

- 3.7 **NHDC Urban Designer** – No objection, subject to changes to detail which have been made
- 3.8 **NHDC Landscape** – No objection, subject to changes to detail which have been made
- 3.9 **NHDC Environmental Health** – No comment
- 3.10 **Architectural Liaison Officer (Police)** – Do not fully support the application and recommend the applicant engage with Hertfordshire Constabulary’s Crime Prevention Design Service. See informative.
- 3.11 **Affinity Water** – No objection. Comments for the developer relating to water quality, water efficiency and infrastructure connections and diversions.
- 3.12 No response has been received from NHDC Waste and Recycling, NHDC Greenspaces, HCC Archaeology, and HCC Minerals and Waste.
- 3.13 **Residents**
- 3.14 A total of 750 local residents and neighbours to the site were notified of this application for two rounds of consultation as a result of amended plans. Since then, 13 representations were received, mainly in objection.
- 3.15 The following comments have been raised, most of which relate to the principle of development, relating to the outline planning application already granted, rather than the detail of this application:

Relevant comments to this phase:

- Regarding the LEMP, a comment to ensure the Plan will be delivered, although this is subject of an application to discharge condition.
- Need to consider the use of swift bricks for each home
- Lack of consideration to the use of renewable energy especially solar panels for all roofs on the development

Comments relating to the outline application:

- Development on Green Belt land
- Scale of new development is too great
- Lack of infrastructure in Hitchin including hospital, doctors and dentists
- The impact the proposed development will have on the traffic in Letchworth and Hitchin and train services
- Impact on air pollution
- Poor connection of the site into Hitchin
- Impact on flood risk
- Support in principle for new homes including affordable homes that address the needs of the district
- Need for the development to be socially sustainable, that encourages social cohesion
- Question where children will go to school before the primary school is built and is there enough school capacity for older children
- Poor consultation on the application
- The need to see the phase adjacent to High Dane to see how residents there will be impacted

- 3.16 Hitchin Forum has also objected in principle and concern about the lack of infrastructure or roads to accommodate the scale of development. Lack of information in the application relating to bus vouchers for residents, retail, healthcare. Relevant comments to this application relate to the cramped form of development, which will be addressed later in this report.

#### **4.0 Planning Considerations**

##### **Site & Surroundings**

- 4.1 The site is located to the north-east of Hitchin, within a roughly triangular shape between the Great Northern railway line, Stotfold Road and the built-up edge of the town. The industrial estate sits to the north and primarily residential development to the south and west of the site. Letchworth garden City is located to the east, with a gap of about 700m comprising arable land.
- 4.2 The wider land currently comprises several disused arable fields of varying sizes. There is established hedgerow around much of the perimeter of the site and some field boundaries. The Highover Farmyard is located at the end of Highover Way and adjoins the application site at the south.
- 4.3 This application site boundary relates to reserved matters for phase 1 and broadly shows the area of new housing focused at the Stotfold Road part of the site, around where the new roundabout will be and on either side of the new 'spine road' through the site. The site area of phase 1 is about 6.7ha.

##### **Proposal**

- 4.4 The application seeks approval of reserved matters of outline permission ref. 18/01154/OP for 'Phase 1' which relates to the first phase that includes residential development. Detail is included in this application in relation to all reserved matters of landscaping, layout, scale and appearance for 'Phase 1' in accordance with Condition 3 of outline permission ref. 18/01154/OP.
- 4.5 It is noted that the detail of the vehicular access onto Stotfold Road and the new roundabout was given planning permission in the outline application, and the detail of 'phase 0' related to the main road through the site and drainage infrastructure. This application shows the detail of the first 236 residential units will be around this end of the site.
- 4.6 The plans listed below were updated and registered on 26 February 2026 to respond to comments from internal consultees and the highway authority. The application is accompanied by the following plans and documents:
- **Location plan** HITPH1-MCB-ZZ-ZZ-DR-A-0199-D5-P1
  - **Site Layout** HITPH1-MCB-ZZ-ZZ-DR-A-0229-D5-P4
  - **Residential Layout** HITPH1-MCB-ZZ-ZZ-DR-A-0230-D5-P7
  - **External materials** HITPH1-MCB-ZZ-ZZ-DR-A-0231-D5-P8
  - **External Boundaries/Surfacing materials** HITPH1-MCB-ZZ-ZZ-DR-A-0232-D5-P7
  - **Affordable Tenure** HITPH1-MCB- ZZ-ZZ-DR-A-0233-D5-P7
  - **Parking Strategy** HITPH1-MCB-ZZ-ZZ-DR-A-0234-D5-P7
  - **Refuse Management** HITPH1-MCB-ZZ-ZZ-DR-A-0234-D5-P7

- **Adoptable Highways** HITPH1-MCB-ZZ-ZZ-DR-A-0236-D5-P7
- **Storey Heights** HITPH1-MCB-ZZ-ZZ-DR-A-0237-D5-P7
- **Drainage** HOF-WSP-ZZ-PH1-DR-C-5001-P02, HOF-WSP-ZZ-PH1-DR-C-5002-P02, HOF-WSP-ZZ-PH1-DR-C-5003-P03, HOF-WSP-ZZ-PH1-DR-C-5004-P02, HOF-WSP-ZZ-PH1-DR-C-5005-P02, HOF-WSP-ZZ-PH1-DR-C-5006-P03, HOF-WSP-ZZ-PH1-DR-C-5007-P03, HOF-WSP-ZZ-PH1-DR-C-5008-P02
- **Highways** HOF-WSP-ZZ-PH1-DR-C-1001-P04, HOF-WSP-ZZ-PH1-DR-C-1002-P04, HOF-WSP-ZZ-PH1-DR-C-1003-P05, HOF-WSP-ZZ-PH1-DR-C-1004-P04, HOF-WSP-ZZ-PH1-DR-C-1005-P04, HOF-WSP-ZZ-PH1-DR-C-1006-P05, HOF-WSP-ZZ-PH1-DR-C-1007-P05, HOF-WSP-ZZ-PH1-DR-C-1008-P02, HOF-WSP-ZZ-PH1-DR-C-7101-P01, HOF-WSP-ZZ-PH1-DR-C-7001-P04; HOF-WSP-ZZ-PH1-DR-C-7002-P04, HOF-WSP-ZZ-PH1-DR-C-7003-P05, HOF-WSP-ZZ-PH1-DR-C-7004-P04, HOF-WSP-ZZ-PH1-DR-C-7005-P04, HOF-WSP-ZZ-PH1-DR-C-7006-P05, HOF-WSP-ZZ-PH1-DR-C-7007-P05, HOF-WSP-ZZ-PH1-DR-C-7008-P02
- **Levels** HOF-WSP-ZZ-PH1-DR-C-1101-P05, HOF-WSP-ZZ-PH1-DR-C-1102-P05, HOF-WSP-ZZ-PH1-DR-C-1103-P06, HOF-WSP-ZZ-PH1-DR-C-1104-P05, HOF-WSP-ZZ-PH1-DR-C-1105-P05, HOF-WSP-ZZ-PH1-DR-C-1106-P06, HOF-WSP-ZZ-PH1-DR-C-1107-P06, HOF-WSP-ZZ-PH1-DR-C-1108-P02
- **Electricity substation** EDS-07-3102\_01(C), EDS-07-3102\_11
- **Landscaping** GL2024 LP 10E; GL2024 LP 11E; GL2024 LP 12E; GL2024 LP 13D; GL2024 LP 14D, GL2024 LP 20A; GL2024 LP 21A; GL2024 LP 22A; GL2024 LP 23A; GL2024 LP 24A, GL2024 SP 01, GL2024 SP 02; GL2024 LP 05A; GL2024 LP 06A; GL2024 LP 07A
- **Fire Hydrant Locations** HOF-WSP-XXX-ZZ-SK-C-0022-P03
- **House Types** HITPH1-MCB-ZZ-ZZ-DR-A-0105-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0106-P4, HITPH1-MCB-ZZ-ZZ-DR-A-0107-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0109-P2, HITPH1-MCB-ZZ-ZZ-DR-A-0111-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0113-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0117-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0118-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0120-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0121-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0122-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0123-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0124-P1, HITPH1-MCB-ZZ-ZZ-DR-A-0125-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0126-P2, HITPH1-MCB-ZZ-ZZ-DR-A-0127-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0136-P2, HITPH1-MCB-ZZ-ZZ-DR-A-0137-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0138-P4, HITPH1-MCB-ZZ-ZZ-DR-A-1140-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0141-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0142-P4, HITPH1-MCB-ZZ-ZZ-DR-A-0144-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0145-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0146-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0147-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0148-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0149-P2, HITPH1-MCB-ZZ-ZZ-DR-A-0151-P4, HITPH1-MCB-ZZ-ZZ-DR-A-0152-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0153-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0154-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0155-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0156-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0157-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0158-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0159-P2, HITPH1-MCB-ZZ-ZZ-DR-A-0160-P2, HITPH1-MCB-ZZ-ZZ-DR-A-0161-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0162-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0163-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0164-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0167-P1, HITPH1-MCB-ZZ-ZZ-DR-A-0168-P2, HITPH1-MCB-ZZ-ZZ-DR-A-0169-P1, HITPH1-MCB-ZZ-ZZ-DR-A-0170-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0174-P4, HITPH1-MCB-ZZ-ZZ-DR-A-0176-P4, HITPH1-MCB-ZZ-ZZ-DR-A-0178-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0180-P4, HITPH1-MCB-ZZ-ZZ-DR-A-0181-P4, HITPH1-MCB-ZZ-ZZ-DR-A-0182-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0183-P4, HITPH1-MCB-ZZ-ZZ-DR-A-0184-P1, HITPH1-MCB-ZZ-ZZ-DR-A-0195-P2, HITPH1-MCB-ZZ-ZZ-DR-A-0305-P2,

- HITPH1-MCB-ZZ-ZZ-DR-A-0306-P2, HITPH1-MCB-ZZ-ZZ-DR-A-0307-P2,
- HITPH1-MCB-ZZ-ZZ-DR-A-0308-P2, HITPH1-MCB-ZZ-ZZ-DR-A-0309-P1,
- HITPH1-MCB-ZZ-ZZ-DR-A-0310-P2, HITPH1-MCB-ZZ-ZZ-DR-A-0311-P2,
- HITPH1-MCB-ZZ-ZZ-DR-A-0312-P2, HITPH1-MCB-ZZ-ZZ-DR-A-0313-P2,
- HITPH1-MCB-ZZ-ZZ-DR-A-0314-P1, HITPH1-MCB-ZZ-ZZ-DR-A-0313-P1
- **Garages/Binstores** HITPH1-MCB-ZZ-ZZ-DR-A-0190-P4, HITPH1-MCB-ZZ-ZZ-DR-A-0191-P3, HITPH1-MCB-ZZ-ZZ-DR-A-0192-P1

4.7 Supplementary documents and plans for Information:

- Planning, Design & Access Statement, dated 29/10/25
- Design Code Compliance Statement, dated October 2025
- Design Code Checklist, dated 23/3/26
- Environmental Impact Assessment Technical Note, dated 27/10/25
- Statement of Community Involvement, dated 21 August 2025
- Illustrative Street scenes HITPH1-MCB-ZZ-ZZ-DR-A-0270-D5-P4/ HITPH1-MCB-ZZ-ZZ-DR-A-0271-D5-P4/ HITPH1-MCB-ZZ-ZZ-DR-A-0272-D5-P4
- Tracking HOF-WSP-ZZ-PH1-DR-C-1551-P05, HOF-WSP-ZZ-PH1-DR-C-1552-P05, HOF-WSP-ZZ-PH1-DR-C-1553-P05, HOF-WSP-ZZ-PH1-DR-C-1554-P05, HOF-WSP-ZZ-PH1-DR-C-1555-P05, HOF-WSP-ZZ-PH1-DR-C-1556-P05, HOF-WSP-ZZ-PH1-DR-C-1557-P05, HOF-WSP-ZZ-PH1-DR-C-1558-P03, HOF-WSP-ZZ-PH1-DR-C-1559-P05; HOF-WSP-ZZ-PH1-DR-C-1560-P05; HOF-WSP-ZZ-PH1-DR-C-1561-P05, HOF-WSP-ZZ-PH1-DR-C-1562-P05; HOF-WSP-ZZ-PH1-DR-C-1563-P05, HOF-WSP-ZZ-PH1-DR-C-1564-P05, HOF-WSP-ZZ-PH1-DR-C-1565-P05; HOF-WSP-ZZ-PH1-DR-C-1568-P05; HOF-WSP-ZZ-PH1-DR-C-1569-P05; HOF-WSP-ZZ-PH1-DR-C-1570-P05; HOF-WSP-ZZ-PH1-DR-C-1571-P05; HOF-WSP-ZZ-PH1-DR-C-1572-P05; HOF-WSP-ZZ-PH1-DR-C-1573-P05, HOF-WSP-ZZ-PH1-DR-C-1574-P05; HOF-WSP-ZZ-PH1-DR-C-1575-P03, HOF-WSP-ZZ-PH1-DR-C-1501-P05, HOF-WSP-ZZ-PH1-DR-C-1502-P05, HOF-WSP-ZZ-PH1-DR-C-1503-P05, HOF-WSP-ZZ-PH1-DR-C-1504-P05, HOF-WSP-ZZ-PH1-DR-C-1505-P05, HOF-WSP-ZZ-PH1-DR-C-1506-P05, HOF-WSP-ZZ-PH1-DR-C-1507-P05, HOF-WSP-ZZ-PH1-DR-C-1508-P03, HOF-WSP-ZZ-PH1-DR-C-1509-P05; HOF-WSP-ZZ-PH1-DR-C-1510-P05; HOF-WSP-ZZ-PH1-DR-C-1511-P05; HOF-WSP-ZZ-PH1-DR-C-1512-P05; HOF-WSP-ZZ-PH1-DR-C-1513-P05; HOF-WSP-ZZ-PH1-DR-C-1514-P05; HOF-WSP-ZZ-PH1-DR-C-1515-P03

*Housing mix and tenure*

4.8 This application sets out the housing mix and tenure for this first phase of residential development on the site, out of what is anticipated to comprise four phases. This is the housing mix:

Type	Market units	Affordable units
1 bed flat / FOG / Maisonette	0	23
2 bed flat / FOG	4	18
2 bed house	0	24
3 bed house	96	22
4+ bed house	41	8
<b>Total (236 units)</b>	<b>141 units</b>	<b>95 units</b>

4.9 There will be 40% provision of affordable housing in this phase, with a tenure split of 71.6% social and 28.4% intermediate tenure. This is the breakdown of provision:

<b>Type</b>	<b>Social</b>	<b>Intermediate</b>
1 bed flat / FOG / Maisonette	21 (of which 13 at M4(3))	2 (of which both M4(3))
2 bed flat / FOG	11 (of which 3 at M4(3))	7 (of which 3x FOG)
2 bed house	24	-
3 bed house	8	14
4+ bed house	4	4
<b>Total (236 units)</b>	<b>68</b>	<b>27</b>

- 4.10 Of the affordable units, it is noted that 47 units (50%) will be M4(2) compliant and 18 units (19%) will be M4(3) compliant.

### **Key Issues**

- 4.11 As this is an application relating to reserved matters based on a previously approved outline application and so the extent of the consideration to key issues is limited to:
- layout
  - scale
  - appearance and
  - landscaping, as set out in condition 3.
- 4.12 There is also consideration of conditions 7, 10 and 11 from 18/01154/OP which covers 'reserved matters' relating to highways, landscaping and waste and recycling storage for this phase. The applicant has also submitted information in order to address two pre-commencement conditions relating to conditions 9 and 19 for lighting and fire hydrants respectively for phase 1 only.
- 4.13 This report will first review the background to the application, followed by a discussion and analysis on the subject of reserved matters and conditions, and finish with a conclusion.

### **Background**

- 4.14 Outline permission was given for this whole site known as Land North of Highover Farm to Stotfold Road, which is also an allocation in the NHLP ref. HT1. The conclusion of the Officers report for that outline application was that the proposals were in accordance with the NPPF and the NHLP and would enable the delivery of a 'strategic housing site' allocated in the adopted local plan.
- 4.15 There are some matters that are fixed as a result of the outline planning permission, as set out in the Officer report for application ref. 18/01154/OP and in securing parameter framework plans as part of the Strategic Masterplan. These include the principle of developing the site for up to 700 homes, locations of development parcels, principle and broad location of a 2 FE primary school and retail floorspace, the principle of vehicular and non-motorised access points, detail of the roundabout on Stotfold Road, principle of two construction accesses, three play areas, allotments, drainage and the provision of 40% of housing to affordable housing.
- 4.16 Consideration will be given in the assessment of this application to the compliance with conditions that were previously approved prior to the first application for reserved matters being determined, namely Condition 5 on Phasing and Delivery Plan ref 25/00076/DOC and Condition 6 Design Code ref 24/02906/DOC.

## Layout

- 4.17 Layout is defined in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as: *'the way in which buildings, routes and open spaces within the development are provided, situated, orientated in relation to each other and to buildings and spaces outside the development...'*
- 4.18 This phase of development is for the first residential phase for the site and is focused at the eastern side around the where the new main road (Phase 0 approved under ref 24/02780/RM) joins the new roundabout on Stotfold Road. This is in accordance with the Phasing and Delivery Plan. The layout of road reflects the intention to have two 'secondary road' loop road to the north and south of the main road. The loop road on the northern side is entirely within this phase, and the southern loop road will be fully delivered through phase 4.
- 4.19 The blocks of development allow for routes to connect into the main road, enabling a permeable and legible development, in anticipation of features to be delivered in other phases, such as the pocket park in phase 4 and footpath connections into the existing built form of Hitchin in the future.
- 4.20 This phase overlaps three character areas shown in the strategic masterplan including The Avenue, Grovelands and Hitchin Meadows. There is a need for different densities, characters, built form and materials across the phase, which are in accordance with the Design Code. By way of example, The Avenue, along the main road, allows for greater height and so there are some terraced properties and blocks of flats that would allow for that. The wider built forms along the spine road also help facilitate less dropped kerbs along the main road. The Grovelands area enables a denser form of development including terraces, 'tertiary' style roads which are more shared and closer together, examples of this can be seen in the southern part of phase 1. The northern part of phase 1 is designed to be more spacious which lends itself to larger 3, 4 and 5 bedroom plots with more landscaping which will blend more easily with the countryside edge. The layout is considered to be in line with the Strategic Masterplan and the site wide Design Code.
- 4.21 Regarding the proposed housing mix for this site, there is a whole range of housing types and sizes, which is broadly in accordance with the Strategic Masterplan and outline planning permission. The density of housing for this phase based on 236 units on 6.7ha is 28 dwellings per hectare, which overall is not high, but reflective of the prevailing density of suburban Hitchin. The overall layout of the streets and housing along streets is in accordance with the Strategy Masterplan, approved outline planning permission, and the requirements of the Design Code
- 4.22 On the provision for affordable housing, the mix and tenures are now set out for phase 1 and there is concern from the housing supply officer that this phase disproportionately contains too many flats of a smaller size and fewer of the larger 3+ bedroom units. The applicant is required to provide 40% over the whole site, with the agreed mix and tenure at outline permission stage, and it is noted there is some flexibility in how that is delivered according to a phase by phase affordable housing scheme. The applicant has provided officers with a draft schedule of the distribution of affordable homes across the whole site, which demonstrates that with the exception of two units at present the applicant is able to deliver the remainder of the affordable homes over following phases. The reason for a disproportionate number of flats and smaller units is that The Avenue character area is able to more easily accommodate buildings that are taller, which will include flatted development. Although the site is phased and split into four, this is the largest phase and which contains the main bulk of The Avenue development.

- 4.23 In terms of the distribution of affordable housing across the phase, there are affordable homes on both sides of the main road, although a higher concentration on the southern parcel, likely due to the type of character areas, resulting housing types and affordable housing mix. The Design Code for the site highlights the need for tenure neutrality across the site and it is noted that the emerging District Design Code (eDDC) that tenure neutrality also relates to street, by limiting affordable housing on both sides of the same road (ref BF01.04) and encouraging clusters by block instead. This is not well reflected in this plan, although the eDDC was not published when this application was submitted but should be reflected in future phases.
- 4.24 Regarding waste and recycling storage provision, bin collection points have been removed from areas that should be kept as complimentary habitat around existing trees and hedgerow. Officers including the highway authority have clarified that 'tertiary streets' should be capable of kerbside collection, meaning that block paved streets need to be constructed to a standard capable of accommodating refuse lorries. Instances of corridors of fenced footpaths to mid-terraced properties have been reduced to a minimum, and in line with the eDDC should be avoided.
- 4.25 Part of the open spaces as part of Hitchin Meadows is included in this phase around the previously approved drainage basins. This area includes a LEAP. Other green infrastructure that is included is Dane Walk; the hedgerow that currently defines the southern boundary of the northern most field and would divide what will be phase 1 and 2. This existing hedgerow is to be retained and enhanced by including a 6m buffer on either side. The developer has also agreed to incorporate some play on the way features. It is noted that there is a lack of play space provision for phase 1 given its scale, particularly for the southern half of the phase, who for the first few years would need to cross the main road and walk more than 400m to the main LEAP. So the active travel corridor in the southern parcel will also incorporate some play on the way features, which will link in with the future pocket park on Phase 4, but help bridge the gap in the meantime.
- 4.26 From consultee responses the layout of highways, fire hydrants and lighting are also acceptable, subject to vehicle tracking matters being resolved. This might involve slight rearrangements to the end of roads and the position of parking spaces. Waste and recycling storage has been reviewed by urban design officers and is also agreed following discussion with the applicant about bin collection points and drag distances given the preference for kerb side collection and some narrower street sections. This has resulted in amended plans, and a reduced instances of the need for bin collection points, which is more in accordance with the eDDC.
- 4.27 Overall, the proposals are in accordance with the approved Strategic masterplan for the site, as approved by 18/01154/OP, as well as the Design Code (ref 24/02906/DOC) and Phasing and Delivery Plan (25/00076/DOC). The proposals are also in accordance with NHP Policy SP17 for site allocation ref. HT1.

### **Appearance**

- 4.28 Appearance is defined in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as: *'the aspects of a building or place within the development which determines the visual impression the building or places makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture...'*

- 4.29 The plans for this phase 1 of residential development have been prepared alongside the preparation of the Design Code for the site. Section 4 of the Code looks at building form, heights and character areas which defines the visual appearance of the site including materials.
- 4.30 The proposals include house type designs for 236 homes, including external materials for house types, external materials of boundary treatments, and hard surfacing. The external materials site plan shows the phase wide approach to materials, which is logical and demonstrates consistency in approach across the site. These are acceptable in principle with choices of brick and tiles and officers recommend a condition once more detail is known such as brick specifications for external materials and brick-built boundary treatments. Other boundary treatment materials are acceptable.
- 4.31 The illustrative streetscenes show what the house types together with the layout will look like in a street section, which is helpful in understand the overall look of the street. The streetscenes show a range of the phase in part or full length, which reflect the character of the areas in which the streetscene is located, for example: in section DD, it shows the 3 storey block on the corner with the main road, going back into 2 storey houses on a side street within the Grovelands Character Area; and along streetscene EE a mix of brick and render is shown on 2.5 to 3 storey buildings, representing an increase in height and denser form of development, successfully indicating that is the main road using built form, which is reflected on both sides of the main road.
- 4.32 Building lines are consistent along the main road, and corners are highlighted with key buildings using their architecture, height and materials in accordance with the site wide Design Code. The materials and detailing shown for affordable units are neutral compared to market units on both the north and south sides of the main road, bearing in mind character areas and the potential for different house types built by different housebuilders (Barratts and David Wilson).
- 4.33 In terms of hard surfacing, the Design Code has been applied to various street typologies. More information is needed on the type of block paving, as well as its construction, which needs to be suitable to take the load of refuse and fire vehicles. Otherwise, a detailed specification of hard surfacing is provided within landscaped areas and these details are in accordance with the Code and therefore acceptable.
- 4.34 Overall, the proposed plans have been assessed by officers in accordance with the Design Code, as well as the Strategic Masterplan, and as such the appearance of phase 1 is acceptable.

### **Scale**

- 4.35 Scale is defined in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as: *'the height, width and length of each building proposed within the development in relation to its surroundings'*...
- 4.36 Similarly to appearance, the plans for this phase 1 of residential development have been prepared alongside the preparation of the Design Code for the site with regard to scale. Section 4 of the Code looks at scale and height of buildings within the site. The proposals are in accordance with the rules set out in the Design Code which has been checked through the Compliance Checklist.

- 4.37 It is considered that the scale of development, as well as individual buildings is acceptable. The majority of dwellings would be two storey with some 2.5 to 3 storey buildings located along the main road. In terms of proposed garage buildings, these would all be single storey in height. There has been some discussion with the applicant on the position of garage buildings pushing into rear gardens as well as the size of garages in the context of other parking spaces, which at times is excessive particularly for 5 bedroom homes, and is inconsistent with the eDDC. Officers expect future phases of development to consider the eDDC for this aspect and better reflect the code on parking and garages, which aims to prevent built form in rear gardens to protect residential amenity, prevent excess built form, provide better storage solutions for new homes and restrict excessive hardstanding for car parking.
- 4.38 The proposals include a mix of both private and affordable homes and would consist of a range of sizes and types. This would be consistent with the surrounding residential development. Within the site there is a varied layout of detached, semi-detached, terraced and flatted units. There is a good relationship between all buildings.
- 4.39 Given that this phase of development starts from the new roundabout into the site, there will be no immediate neighbours to these new homes.
- 4.40 The scale of development is acceptable in accordance with the Strategic Masterplan and Design Code, and NHLP Policy SP17 for site allocation ref HT1.

### **Landscaping**

- 4.41 Landscaping, in relation to reserved matters applications, is defined in the Town and Country planning (Development Management procedure) Order 2015 (as amended) as: *'the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out of provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features...'*
- 4.42 The hard and soft landscaping plans have been submitted and read alongside condition 11 of permission 18/01154/OP, details submitted for condition 13 and 21, as well as phase 0 plans under 24/02780/RM. The council has outsourced landscaping advice to a consultant, funded by the developer, who advised on both the Design Code, subsequent phases of development and details of conditions where appropriate.
- 4.43 The application is accompanied by landscape proposals and planting plans by Golby and Luck and have been amended in response to comments from the council's landscape consultant. The extent of landscaping information is to the public realm and public open spaces and includes planting detail, play on the way detail and materials for hard surfacing in line with the requirements of condition 11.
- 4.44 Phase 1 includes open space identified on the Strategic Masterplans as Hitchin Meadows, excluding the drainage basins, but including the LEAP, and Dane Walk. Dane Walk and the active travel corridor on the southern side of the road will contain play on the way. Detail is provided for the play equipment, plus benches and litter bins, which are in accordance with the Design Code. The intention is for the Council to adopt the green spaces, in which case dog litter bins would not be required. Hitchin Meadows itself

is a more natural area of open space, considering the potential for more wet areas of open space where the drainage basins are, and the area for farmland birds located in the far northern tip of the site away from housing. The landscaping detail and intended management and maintenance arrangement reflect that intention. It is noted that landscaping details for phase 0 is a condition of that permission but will be agreed in consideration to the detail presented for these phase 1 plans and relate to the drainage features and 'Stotfold Linear Greenway' as noted on the Strategic Masterplan.

- 4.45 Other landscaping is shown throughout the site as verges along roads, as well as areas that might become part of householder's front gardens. The developer has included additional trees and landscaping to add height to landscaping along streets and parking areas. This is all in accordance with the Design Code and the requirements of condition 11 of the outline permission. It is noted that the Landscape Consultant did request some additional planting, which the applicant has not undertaken on amended plans (in relation to planting in front of plots 55-56, 57, 77 and 110), although other comments have been actioned, and overall, the planting scheme is acceptable.
- 4.46 In summary on reserved matters for landscaping, the proposed level of landscaping for this application is acceptable. The proposals are in accordance with the approved Condition 11, the Strategic Masterplan, Phasing and Delivery Plan, and Design Code.

#### **Condition 7 Highways – Phase 1 Reserved Matter**

- 4.47 This is a condition for details to be submitted with each application for reserved matters relating to highway details. The details will also be secured by s38 with the highway authority. The applicant has submitted plans including General Arrangement including lighting Plan 1-8, External Levels Plans 1-8, Fire Tracking Plans 1-8, Road Construction Details, Pavement and Kerbing Detail Plans 1-8, Refuse Tracking Plan 1-8, Parking Areas for vehicles and Cycles, Temporary Construction Access Plans, and Drainage Layout Plans 1-8. The tracking plans do not need to be approved plans.
- 4.48 Following consultation with the highway authority, the NHC Senior Transport Officer and NHC Urban Design Officer, some amendments were made to the internal road layout as well as updates as a result of other urban design changes. This has resulted in an issue with tracking for larger vehicles crossing over slightly into greenspaces. Amendments are needed to address that concern from highways and the fire and rescue service at the County Council. Officers do not expect these changes to have a significant impact on the layout or the Highway Authority's response. Members will be updated on this at the Planning Control Committee meeting.
- 4.49 Otherwise, the Highway Authority are content with the amendments and that the requirements of this condition have been met, subject to two conditions: the first on the vehicle tracking, but Officers recommendation is to resolve that prior to issuing a decision on this application; and the second regarding the maintenance and management of roads in the estate, although this is already covered by highway legal agreements under s38. Informatives will be added rather than highway conditions.

#### **Condition 9 Lighting – Phase 1 Pre-commencement**

- 4.50 This is a pre-commencement condition, and details have been incorporated into this application for reserved matters. The condition was required to ensure the amenity of residents and visual amenity of the site. The proposed lighting columns are sufficiently spaced to limit the impact on visual and residential amenity. The highway authority have no objection. The details submitted are therefore sufficient to satisfy the requirements of

this condition for phase 1. The applicant has expressed intention to have this condition removed through by s73 application, as it is repetitive and covered by other conditions, however in the meantime, the details submitted are acceptable to satisfy the requirements of this condition.

#### **Condition 10 Waste and Recycling – Phase 1 Reserved Matter**

- 4.51 This is a condition for details to be submitted with each application for reserved matters relating to waste and recycling storage facilities. Following comments from NHC Urban Design and NHC Senior Transport Officer and discussion with the applicant, amendments to the site plan have been received which improves the location of waste and recycling storage and increases the opportunity for kerbside collection. The details submitted is therefore acceptable to satisfy this condition.

#### **Condition 11 Landscaping – Phase 1 Reserved Matter**

- 4.52 This is a condition for details to be submitted with each application for reserved matters relating to soft and hard landscaping for the development parcel. Plans have been submitted and subsequently amended to reflect comments from NHC Urban Design, the landscape consultant and HCC Ecology. The OLEMP and Phase 1 LEMP submitted under separate applications to discharge conditions are consistent with the landscaping plans, as well as the approved plans for phase 0, which is inextricably linked where the drainage ponds are within phase 0 and the surrounding landscape is within phase 1. Following amendments the details are suitable, as set out previously in this report.

#### **Condition 19 Fire Hydrants – Phase 1 Pre-commencement**

- 4.53 There is no objection raised by Hertfordshire Fire and Rescue who are content with the proposed locations of fire hydrants on phase 1. The detail submitted for this condition is therefore acceptable.

### **5.0 Conclusions**

- 5.1 This application for reserved matters follows from the approval of outline application ref. 18/01154/OP which includes detail on access, layout, scale, appearance and partial detail on landscaping under conditions 3, 7, 10 and 11. This application also includes details for phase 1 for condition 9 on lighting and condition 19 for fire hydrants.
- 5.2 Subject to appropriately worded conditions, Officers consider that the proposed development would be of good quality design which constitute the first phase of residential development for Highover Farm under Policy SP17. The proposals are of a functional layout, suitable appearance and scale, and appropriate landscaping plans. The proposals are in accordance with the Strategic Masterplan, Design Code and Phasing and Delivery Plan. The proposed development is considered to accord with relevant policy provisions of the local development plan as listed above as well as the NPPF.
- 5.3 The application site is an allocated housing site in the adopted local plan and will therefore make an important contribution to the housing land supply. As the council is currently unable to demonstrate a 5-year housing land supply, the tilted balance of paragraph 11(d) of the NPPF is engaged, the collective benefits of the development would be significant. Any adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The scheme therefore benefits from the presumption in favour of sustainable development which is a further material consideration.

5.4 The application site falls within the settlement boundary of Hitchin, as defined in the Local Plan, which removed the site from the Green Belt. The application site benefits from an allocation under Policy SP17 for site reference HT1 for approximately 700 new homes. The policy contained detailed criteria for consideration in the determination of any relevant applications for planning permission. It is considered that the proposal complies with policy criteria set out in Policy SP17.

5.5 There are no material considerations to indicate that the application should not be determined in accordance with the development plan. For the reasons set out above it is the officer's view that the proposed development would accord with the development plan including the adopted Local Plan, and that there are no reasons to withhold the approval of reserved matters. As such, details should be approved subject to conditions.

## **6.0 Alternative Options**

6.1 None applicable

## **7.0 Pre-Commencement Conditions**

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

## **8.0 Legal Implications**

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

## **9.0 Recommendation**

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

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

B) conditions set out below:

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

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

2. Details and/or samples of materials to be used on all external elevations and roofs of the buildings, block paving of streets including construction sub-base detail, brick boundary treatment and railings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development above ground slab level 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, including suitable sub-base for block paved streets to accommodate fire and refuse vehicles in accordance with the North Hertfordshire Local Plan Policies SP9 and SP17 and Hertfordshire's Local Transport Plan (2018).

**For the decision notice: 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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**INFORMATIVES:**

DOG LITTER BINS have been shown on the landscape plans. It was confirmed to the applicant that these can be removed from the plans but have not been. On implementation the dog litter bins do not need to be installed.

**Hertfordshire Constabulary: Crime Prevention**

Request that the applicant engage with Hertfordshire Constabulary's Crime Prevention Design Service with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design (SBD). This is a proven method of crime reduction and, by building to this standard will enable the following:

1. Achieve enhanced compliance with part 'Q' (Security) of Building Regulations.
2. Demonstrate that the issues of crime, disorder, and the fear of crime have been addressed.
3. Compliance with the new 'Healthy Homes Design Code

**Hertfordshire County Council Highway Authority**

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

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

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during

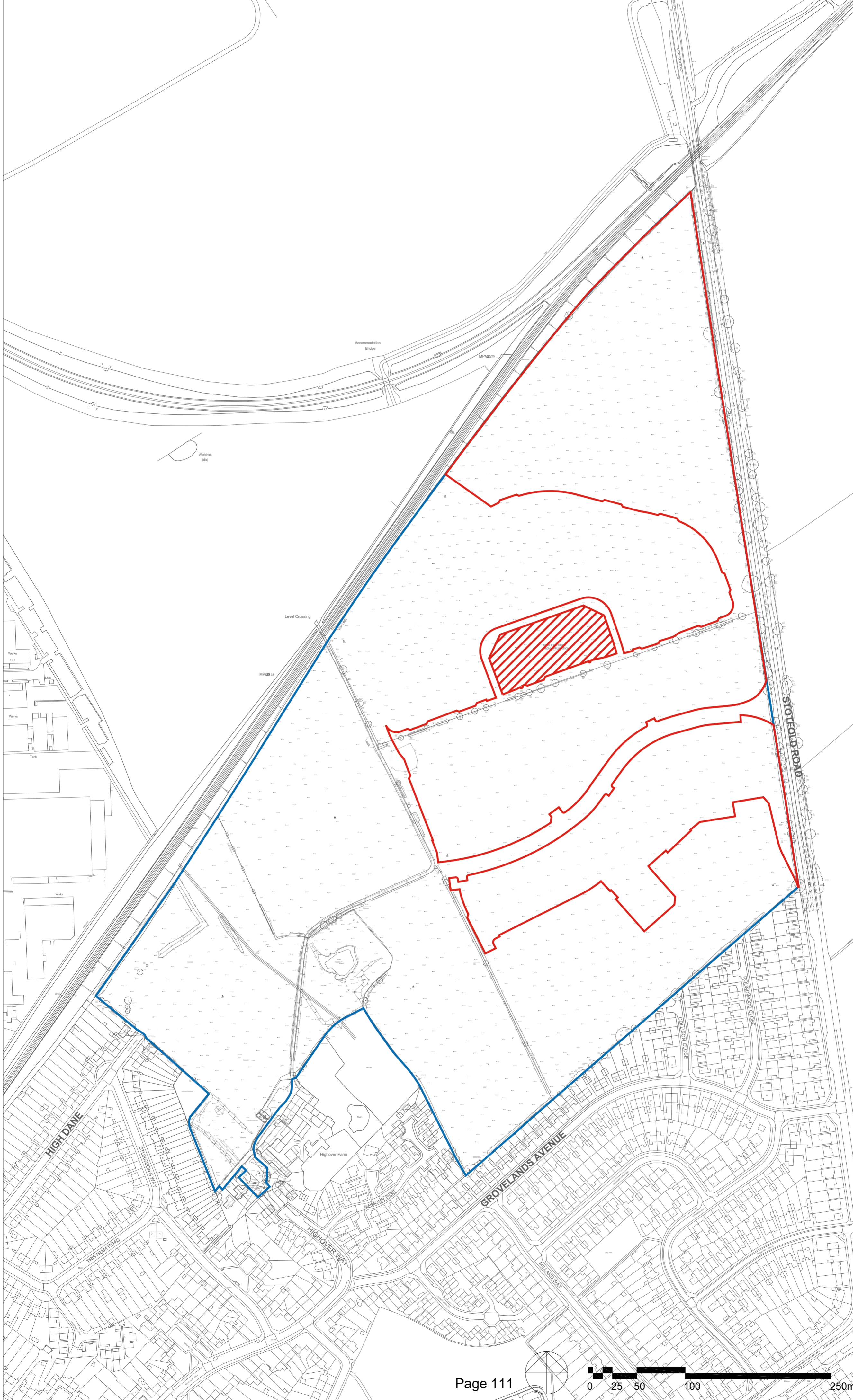
construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN4) Estate Road Adoption: 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 website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Notes:  
The contractor must verify all dimensions on site before commencing any work on shop drawings. Do not scale from this drawing.  
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McBains Ltd makes no express or implied warranties with respect to the character, function, or capabilities of the data (inclusive of bid party data incorporated within), or the suitability of the data for any particular purpose beyond those originally intended by McBains Ltd. Please refer to our standard terms and conditions for further details.

KEY  
— Ownership Boundary  
— Phase 1 Boundary



Rev	Description	Date	Issued By	Issued To
P5	Amended to suit client comments	27/10/25	EC	EC
P4	Amended to suit client comments	15/08/25	BH	EC
P3	Amended to suit client comments	15/05/25	BH	EC
P2	Amended to suit client comments	24/01/25	EC	EC
P1	Drawing issued for planning	04/10/24	BH	EC

Drawn by	EC	Approved by	EC
61979/61980	OCT 24	1250 @ A0	
McB Number	Site created	Scale @ A0	



Client: **EB A R R A T T** **DIVID WILSON HOMES**

Project: **LAND AT HIGHOVER FARM**  
**HITCHIN**  
**PHASE 1**

Drawing Title: **SITE LOCATION PLAN - PHASE 1**

**ARCHITECTURE**



Drawing / Document Reference	Status							
HITPH1 - MCB - ZZ - ZZ - DR - A - 0200	D5 - P5							
Project	Originator	File	SPR	Form	Descriptor	Number	Status	Revision

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

Document is Restricted

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**Planning Control Committee**

**21<sup>st</sup> April 2026**

**\*PART 1 – PUBLIC DOCUMENT**

## **Planning Enforcement Quarterly Report**

### INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER

#### **1.0 SUMMARY**

- 1.1 This report is prepared to provide an overview of the Planning Enforcement team to the Planning Control Committee.
- 1.2 This report outlines the strategic context and details a summary of casework being dealt with by the Planning Enforcement Team, including data on investigations, formal action, appeals and S106 investigations.

#### **2.0 LEGAL AND STRATEGIC CONTEXT**

- 2.1 Planning Compliance is primarily concerned with works which have taken place in breach of planning control as set out in the Town and Country Planning Act 1990 (as amended), Planning (Listed Buildings and Conservations Areas) Act 1990 (as amended), and Town and Country Planning (Use Classes) Order 1987 (as amended).
- 2.2 Established procedures and practices ensure that planning enforcement action complies with the relevant legislative framework, balanced with providing a service which maintains the public's confidence in the Council delivering effective planning enforcement and its contribution towards making North Herts a desirable place to live, work, learn and visit.

#### **3.0 INFORMATION AND UPDATES**

- 3.1 The Planning Enforcement Team deals with a wide range of reported breaches, some of which are of high priority, complex and historic. The overriding area of work relates to investigations about development built without permission, non-compliance with planning conditions, and changes of use of land.
- 3.2 Quarterly updates are published on the Council website, which enables public views of the reported data, which include details on the number of cases investigated and formal action taken. We encourage Members and the public to contact us via the Planning Enforcement webpage, which includes responses to questions that we receive most often and can provide quickest responses to queries about planning enforcement matters: [Planning enforcement | North Herts Council](#)
- 3.3 As part of the service, Officers now undertake proactive monitoring of sites where breaches would result in irreversible harm, and where conditional planning permission imposes time-limited actions to be carried out. However, monitoring may also include pre-development, pre-commencement, and pre-occupation, retention of protected trees, and compliance with listed building conditions.

- 3.4 S106 agreements are legally binding and entered into between a local planning authority and the developers of land that delivers residential schemes of 10 units or greater. Such agreements may include obligations to undertake work and / or obligations to make a payment to mitigate harm or comply with certain policy requirements. The Council monitor compliance with these obligations.
- 3.5 S106 monitoring and reporting is a developing area of the service, and quarterly reports are now published on the Council webpages along with the Infrastructure Funding Statement: [Planning obligations \(section 106 agreements\) | North Herts Council](#)
- 3.6 Planning Enforcement technical support provide support that is instrumental for delivering an effective service. Similarly, collaborative work within the Planning Service and other teams across the organisation is a core element of planning investigations that has developed over the years.

#### **4.0 INVESTIGATIONS AND PERFORMANCE**

- 4.1 For the quarter from January to March, 59 new cases were opened for investigation, which is in line with the number of annual cases received over the last two years.
- 4.2 Where breaches are identified, a set of options are usually offered as a route to resolving matters:
- a. Submit a retrospective planning application for the development as built,
  - b. Submit pre-app proposing amendments to the existing development to bring it in line with local and national policies and guidance,
  - c. Submit an application for a Certificate of Lawful Development to prove that the development does not require planning permission,
  - d. Remove the breach or cease the unauthorised use of the property or land
  - e. Submit evidence to demonstrate the basis for the development
- 4.3 An increasing number of retrospective applications are submitted as a result of planning enforcement investigations. Although it is not an offence to carry out development without first applying for planning permission, retrospective applications can allow for amendments and conditions to make development acceptable. Retrospective applications are assessed in the same way as development proposals so members of the public will have an opportunity to comment on the development.
- 4.4 It is important to note that there is no guarantee that planning permission will be granted for development that has already been undertaken, so landowners are encouraged to seek permission in advance, as to do otherwise is at their own risk.
- 4.5 An objective of investigations is timely resolution rather than to punish those carrying out unauthorised development. Therefore, in deciding the appropriate action to take for each case, Officers will appraise the degree of breach and identify any harm arising from unauthorised and acceptable development. Sometimes, the appropriate decision is not to take any action if the breach results in a low level of harm; however, that is not to send a message that development can be undertaken in an unfettered manner and without consequence.

## 5.0 PERFORMANCE AND ENFORCEMENT ACTION

5.1 The Enforcement Team is currently investigating 126 cases; Officers may escalate investigations where development is unauthorised and results in unacceptable planning harm.

5.2 The following summary reflects the enforcement work undertaken during the last quarter:

<b>Investigations, actions and pending decisions</b>				
	<b>2024 (completed)</b>	<b>2025 (completed)</b>	<b>2026 (completed)</b>	<b>Pending decision</b>
Investigations	283	214	62	126
Related Retrospective Applications	65	86	14	27
Planning Contravention Notices	6	13	14	3
Formal Notices to Resolve Breach	7	4	8	6
Appeals Against Formal Notices	1	2	4	5
Temporary Stop Notices	0	3	1	0
Prosecutions	1	1	1	5
Injunctions	1	0	0	0
Other	1	0	1	4

5.3 Planning Contravention Notices are a key investigation tool that assists out understanding of how land is used and when the use occurred. These Notices are becoming an increasingly important tool for investigations, and more PCNs have been served so far this year than in the whole of 2025.

5.4 Similarly, a greater number of formal notices have been served this year, which is due to a wider project that is focussed on decision-making on cases that have been without decision-making or action over the last three years. Progress on this work has resulted in a significantly reduced number of historic cases.

5.5 Recipients of an Enforcement Notice have the right of appeal to the Planning Inspectorate; in such cases, the requirements of the notice are suspended until the Inspector's decision. Following recent changes to the appeals determination approach at PINS, decisions are generally reached more swiftly, and some historic appeals have been recently issued after significant delays. At the time of this report, the Council is awaiting six appeals to be decided. A copy of the long-awaited appeal decisions for The Cabinet, High Street, Reed is appended to this report.

5.6 Enforcement Notices and Appeals -

LOCATION	BREACH	COMMENTS
Breachwood Green	Material change of use as car park and associated hardstanding	Retrospective application refused Planning appeal dismissed  EN appeal submitted
The George at Baldock	Material change of use to residential flats	Appeal submitted
4c Sun Street	Change of fenestration within conservation area	Retrospective application refused No EN appeal. Requirements for compliance agreed
96 High Street	UVPC windows installed to listed building	Retrospective application refused. No EN appeal. Notice taken effect and compliance anticipated
34 Gaping Lane	Incongruous dormer roof addition	Retrospective application refused. No EN appeal. Notice has taken effect
19 Sollershott Hall	Timber trellis and gates affect integrity of listed building	Notice has taken effect and compliance anticipated
Tea Green	Material change of use to events venue	Retrospective application refused EN appeal submitted
31 Thatcher's End	Rear and side extension and raised land levels	Retrospective application refused Planning appeal dismissed  EN appeal submitted
Land at Morrisons Letchworth Garden City	Damage to protected tree and installation of lighting columns to facilitate EV charging	Communications and meeting with developers to resolve

5.7 Officers recognise that delays in resolving breaches can be frustrating for everyone; these can be due to several factors, including the necessary stages of the investigation process, resourcing and experience, appeals against Notices. It is also worth noting that formal notices do not resolve breaches but are tools for formal steps towards resolving matters.

5.8 At the time of this report, the caseload and corresponding years are shown below. The longer-term objective being to establish a performance indicator that sees the review of every case, every month.

	2018-21	2022	2023	2024	2025	2026
CASES	4	5	9	14	48	33

## **6.0 S106 and MONITORING PLANNING CONDITIONS**

- 6.1 The planning system supports the delivery of better recreation facilities, open spaces and health facilities and therefore impacts positively on the health and wellbeing of those living, working and visiting North Herts. This delivery can be through s106 obligations where appropriate. S106 Monitoring and Compliance takes an increasingly proactive role in the monitoring the delivery of financial and non-financial S106 obligations. A key aim is to ensure that S106 obligations are secured in accordance the relevant planning legal agreement. As part of this work Officers maintain a schedule of all the S106 financial contributions held, and processes now track and monitor the implementation of schemes of 10 units or larger to ensure they are delivered in accordance with permissions and associated conditions.
- 6.2 Proactive monitoring of S106 schemes centres on early engagement with developers, as part of building relationships with them, and clearly setting out the S106 monitoring plan and trigger points. This work represents a key change in marking the Council’s approach and expectations from developers in terms of how the discharging conditions is recorded, evidenced, monitored and enforced.
- 6.3 This early engagement is an opportunity for Officers to work positively with developers and secure evidence of matters such as pre-commencement conditions and works below ground level, which can be difficult to substantiate or challenge after works have progressed beyond those stages. Such oversight is essential for securing developer contributions for infrastructure, affordable housing, and environmental improvements.
- 6.4 To underpin S106 monitoring and engagement, conversations are taking place to explore how Officers can engage and inform Parish Councils and community groups about the role of developer contributions and how they can be accessed.

## **7.0 LOCAL OMBUDSMAN REPORTING: ‘LOSING CONTROL – COMPLAINTS ABOUT PLANNING ENFORCEMENT’**

- 7.1 The Local Government and Social Care Ombudsman (LGSCO) recently published a report about the level and quality of services provided by planning enforcement services. The survey found that 80% of enforcement officers say there are insufficient staff, 89% report case backlogs, and 73% say their authority struggles to recruit.
- 7.2 The LGSCO warned that failure to enforce planning rules risks undermining public confidence, creating a “two-tier system” where compliant developers are disadvantaged while rule breakers face no consequences. The report comments that while increased development is needed to support economic growth, development without enforcement will lead to planning chaos and a collapse in public trust unless enforcement teams are properly resourced.
- 7.3 RTPI’s Director of Communications, Simon Creer, echoed these concerns, describing enforcement officers as “the backbone of the planning system”. He said years of under-resourcing and recruitment difficulties have left services in some areas “struggling or

already broken”. Creer warned that meeting the government’s ambitious housing targets will require adequate numbers of enforcement officers to ensure policy standards are upheld and development is delivered effectively.

7.4 Following a review of the LGSCO report, we are pleased to report that the circumstances described in the report do not bear out the resourcing position or investigation actions and outcomes. Officers would like to reassure Members that the team continues to progress along a purposeful and positive trajectory where professional and personal development lies at the heart of our approach. A direct outcome is a Planning Enforcement Team that is active and focussed on resolving a wide range of breaches by prioritising informal resolution and escalating matter to proportionate action where necessary.

7.5 We would like to thank Members, residents, and the public for their continued support and engagement as we all work together to maintaining North Herts as a district of responsible growth through planning development.

#### **8.0 UPDATES FOR MEMBERS**

8.1 Part 2 of the report is restricted and will provide members with more detailed updates on cases and the overall plan for the Planning Enforcement Team.

#### **9.0 NEXT STEPS**

9.1 To note this report.

#### **10.0 APPENDICES**

10.1 Appendix A – The Cabinet Appeal Decision

#### **11.0 CONTACT OFFICERS**

Christella Menson, Conservation and Enforcement Team Leader

[christella.menson@north-herts.gov.uk](mailto:christella.menson@north-herts.gov.uk)

## Appeal Decisions

Site visit made on 27 January 2026

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

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### Appeal A: APP/X1925/C/23/3314159

#### The Cabinet, High Street, Reed, Royston SG8 8AH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Richard Newman against an enforcement notice issued by North Hertfordshire District Council.
- The notice was issued on 22 November 2022.
- The breach of planning control as alleged in the notice is:
  - (i) Erection of a fence sub-dividing the rear amenity area of a Grade II listed building.
  - (ii) The erection of a fence and gates around the front patio of a Grade II listed building.
  - (iii) The installation of a gas tank and enclosure fencing in the curtilage of a Grade II listed building.
  - (iv) The incorporation of a smoking shelter into an extension and store room.
- The requirements of the notice are to:
  - (i) Remove the fencing subdividing the rear garden area to the property shown edged in Blue on the attached Plan NHDC 2.
  - (ii) Remove the fencing and gates erected to the front of the property around the front patio area, shown edged in Yellow on the attached plan NHDC 2.
  - (iii) Remove the gas storage tanks and associated fencing shown edged in Green on the attached plan NHDC 2.
  - (iv) Remove the small store extension edged in Purple on the attached plan NHDC 2 and make good the main building using matching materials and finishes.
  - (v) Permanently remove all materials and waste arising from steps (i) to (iv) from the site.
- The periods for compliance with the requirements are:
  - (i) 4 months
  - (ii) 4 months
  - (iii) 5 months
  - (iv) 8 months
  - (v) 8 months
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended).

**Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.**

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### Appeal B: APP/X1925/F/23/3314167

#### The Cabinet at High Street, Reed, Royston, Hertfordshire SG8 8AH

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991 (PLBCAA).
- The appeal is made by Mr Richard Newman against a listed building enforcement notice (LBEN) issued by North Hertfordshire District Council.
- The LBEN was issued on 22 November 2022.
- The contravention of listed building control alleged in the notice is:
  - (i) New kitchen units and associated equipment in the rear outshot of the property.
  - (ii) The formation of a small store area.
- The requirements of the notice are:
  - (i) Remove the internal domestic kitchen including all equipment and cabinets edged in Green on the attached plan 14120-P002-F LB.
  - (ii) Remove the small store edged in Purple on the attached Plan 14120-P002-F LB and make good the main building using matching materials and finishes.
  - (iii) Repair and make good all damage to the building resulting from the removal of the domestic kitchen, and the small store pursuant to this notice.

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<https://www.gov.uk/planning-inspectorate>

- The periods for compliance with the requirements are:
  - (i) 5 months
  - (ii) 8 months
  - (iii) 8 months
- The appeal is made on the ground set out in section 39(1) (e) and (h) of the PLBCAA.

**Summary of Decision: The appeal is dismissed.**

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#### **Appeal C: APP/X1925/C/23/3314199**

##### **The Cabinet, High Street, Reed, Royston SG8 8AH**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Richard Newman against an enforcement notice issued by North Hertfordshire District Council.
- The notice was issued on 22 November 2022.
- The breach of planning control as alleged in the notice is:
  - (i) The siting of two railway carriages on the customer car park for residential purposes.
  - (ii) The siting of a touring caravan on the customer car park for residential purposes.
- The requirements of the notice are to:
  - (i) Permanently remove the railway carriages shown in Blue on the attached plan.
  - (ii) Permanently remove the touring caravan shown in Purple on the attached plan.
  - (iii) Permanently remove all materials and waste arising from steps (i) and (ii) from the site.
- The periods for compliance with the requirements are:
  - (i) 5 months
  - (i) 5 months
  - (ii) 5 months
- The appeal is proceeding on the ground set out in section 174(2)(c) and (g) of the Town and Country Planning Act 1990 (as amended).

**Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.**

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#### **Appeal D: APP/X1925/C/25/3361938**

##### **The Cabinet, High Street, Reed, Royston SG8 8AH**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Richard Newman against an enforcement notice issued by North Hertfordshire District Council.
- The notice was issued on 6 February 2025.
- The breach of planning control as alleged in the notice is the material change of use of the detached outbuilding into self-contained residential accommodation.
- The requirements of the notice are to:
  - (i) Cease the use of the detached outbuilding for self-contained residential accommodation.
  - (ii) Remove ALL fittings and fixtures associated with the unauthorised use of the detached outbuilding as self-contained residential accommodation, including the removal of ALL kitchen cupboards, worktops, sink, cooking facilities, toilet, handbasin, shower and beds.
  - (iii) Remove from the land all items, materials and debris resulting from compliance with steps (i) to (ii) above.
  - (iv) The period for compliance with the requirements is three (3) calendar months.
  - (v) The appeal is proceeding on the grounds set out in section 174(2)(d) and (g) of the Town and Country Planning Act 1990 (as amended).

**Summary of Decision: The appeal is dismissed.**

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#### **Preliminary Matter**

1. With respect to the enforcement notice the subject of Appeal A there is a typographical error in paragraph 5 (i) which refers to "are" rather than "area". This can be corrected without causing injustice.

#### **Appeal A on ground (a) and Appeal B on ground (e)**

2. Appeal A on ground (a) is that planning permission ought to be granted for the development. Appeal B on ground (e) is that listed building consent ought to be granted for the works. In both cases, the main issue is whether the proposal would preserve the Grade II listed building known as The Cabinet, or any features

of special architectural or historic interest that it possesses. This duty is set out in s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Reasons

3. The appeal site comprises a detached listed building known as The Cabinet which has historically been used as a public house. It is situated along a relatively narrow lane with grass verges in the village of Reed. The locality is mainly rural in character with scattered residential properties. The Cabinet is now a part single storey and part two storey timber clad building; the main elevations being boarded and painted cream. The original building dates back to the seventeenth century and is Grade II listed and is situated in the Reed Conservation Area.
4. The building was first listed on 3 June 1987 and its listing describes it as:  
*Public House. Late C17 or early C18, extended C19 and C20. Timber frame on brick base. Weatherboarded. Steeply pitched tiled roof. Originally 2 bays, extended by 1 bay to left with further additions at both ends. 2 storeys. Ground floor: entrance to left of original centre, recessed plank door in architrave with dentilled and bracketed hood, to left two 3 light small pane flush frame casements, to right one of 2 panes, all with hoodboards. First floor three 2 light small pane casements. Coved eaves. Cross axial ridge stack at original left end, part rebuilt. To rear a C19 continuous lean-to outshut behind main range and first added bay, weatherboarded and rendered. Rendered upper part of rear wall on main block with some comb pargetting. Short C20 gabled addition to left end, set back slightly. 1 storey mid C20 addition to right end with an entrance. Beyond this to right a C19 weatherboarded and slate roofed outbuilding with 2 doors to front. Interior: chamfered axial bearer, stop chamfered fireplace lintel.*
5. Although the host building has been altered and extended over the years, including a single storey addition to the south and further extensions to the north, it retains its character and detailing and architectural features which align it to its original function as a public house.
6. The appeal site is also situated in the Reed Conservation Area. The historic form and layout of the Conservation Area have largely been preserved, with traditional one-and-a-half-storey timber-framed, thatched buildings characterising the northern and western areas, while larger farmsteads and former manorial sites dominate the south and west. A central area of open farmland, enclosed by lanes, historic cottages, farm buildings and moated sites, forms the core of the Conservation Area. The surrounding countryside has narrow hedge-lined lanes and mature trees enhance its rural, tranquil character.
7. Policy HE1 of the North Hertfordshire Local Plan 2011-2031 (adopted 2022) (the LP) relates to designated heritage assets and states that planning permission for proposals affecting designated heritage assets or their setting will be granted where they support the conservation and ongoing viable use of the asset, use appropriate materials that positively contribute to local character and cause less than substantial harm, and that harm is outweighed by public benefits, including securing the asset's future use. Development within conservation areas must be carefully designed in terms of scale, layout, design, and materials and preserve or enhance the character or appearance of the area. These are in general conformity with the objectives set out in the National Planning Policy Framework (the

Framework) and therefore I give them substantial weight in the determination of these appeals.

8. The development the subject of Appeal A comprises a number of different elements as set out in the header, but in summary these are a fence sub-dividing the rear garden, fence and gates around the front patio, a gas tank and enclosure and smoking shelter into an extension and store room. With respect to Appeal B, the works the subject of the LBEN are new kitchen units and equipment and the formation of a small store area.
9. The fence sub-dividing the rear amenity area comprises a 2 metre high close boarded fence which has been stained in a dark colour. It is situated to the rear of the listed building and sub-divides a large amenity. The fence is attached to the rear elevation of the listed building. The division of the area to the rear of the building has eroded its setting which would previously have provided open aspects. The materials and colour used are unsympathetic to the pale painted external walls of the listed building and show little consideration for the architectural features of the historic structure. Furthermore, the fence detracts from the open area to the rear of the building which is characteristic of this part of the Conservation Area.
10. The railings to the front of the property enclose the small patio area and are situated adjacent to the High Street, which is a narrow, verdant lane with a rural character. The railings detract from the relatively open frontage of the listed building and are domestic in character at odds with the character of the street scene. Given their location, they are visually prominent and uncharacteristic intrusions into the historic setting of the building and wider Conservation Area.
11. The installation of a gas tank and enclosure in the curtilage of the listed building are alien features which detract from the setting of the building, compromising its relatively open rural setting to an unacceptable degree. I understand that a gas tank may be required, but there is little evidence that the due required careful consideration of location and impact on the setting of the listed building has been given.
12. The extension and store room projects approximately 5 metres from the rear of the building and replaced a former temporary structure which was used as a smoking shelter according to the evidence before me. The extension incorporates sympathetic external elevational materials of painted timber boarding with a pitched tiled roof, but it adds to the rear of the building in an unsympathetic way, appearing as a poorly thought out protrusion with a poor relationship to the main building, other than materiality. Such additions are uncharacteristic to listed buildings of this period and detract from the historic and architectural integrity of the building and the historic integrity of the Conservation Area.
13. The works the subject of Appeal B relate to the unauthorised installation of kitchen units and creating a small rear store. The kitchen units and associated equipment are harmful because placing a domestic kitchen in the rear outshut disrupts the historic central space focused on the significant inglenook fireplace which is an important feature of the building's character as a public house. This change blurs the distinction between the pub's historic core and the private residential area, reducing the legibility and functional value of the pub use and diminishing the building's historic character.

14. It is my understanding that since 2003, an open-sided smoking shelter with a tiled roof was present at the building. This has been enclosed and converted into a single-storey storage area which is linked to the relocated commercial kitchen. The interior has been roughly boarded over in a way which detracts from the listed building's special character. The enclosure of the former shelter also harms the wider appearance of the Reed Conservation Area.
15. Accordingly, each of the different parts of the unauthorised development and works that have been carried out cause material harm to the special interest of the listed building. Therefore, failing to preserve it, the desirability of which (as required by the Act) has been affirmed by the Courts as a matter of considerable importance and weight, it would fail to accord with the expectations of the Framework which anticipates great weight being given to the conservation of designated heritage assets. For the same reasons the extension would also conflict with Policy HE1 of the LP.
16. I find the harm to be less than substantial in this instance, but that less than substantial harm does not equate to less than substantial planning objection, especially when the statutory tests have not been met. Under such circumstances, this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant has not submitted any specific public benefits, but I can see that there may be some limited benefit from having a smoking shelter for the public house and from improving the living accommodation available for occupiers. However, it seems to me that these are private benefits rather than public which is the test set out in the Framework. This significantly limits the weight to be afforded to this consideration in support of the appeal and therefore, the very limited public benefits do not outweigh the harm identified.
17. Therefore, I find that the conflicts with Policy HE1 of the LP and the policy in the Framework clearly outweigh the benefits and this indicates that planning permission and listed building should not be granted for the respective works and development.

#### **Appeal A on ground (g)**

18. The ground of appeal is that the time given to comply with the requirements is too short. The periods of 4 months given to remove the fencing to the rear and the fencing and gates to the front of the property around the front patio, 5 months to remove the gas storage tank and associated fencing, and 8 months to remove the small storage extension and remove all materials and waste arising from the required works would all be sufficient. The appellant suggests that a longer period would be of benefit to his family but that does not outweigh the level of harm identified with respect to the listed building and its setting. Therefore, the appeal on ground (g) does not succeed.

#### **Appeal B on ground (h)**

19. The ground of appeal is that the period specified in the Notice within which any step required by the notice is to be taken falls short of what should reasonably be allowed. The periods of 5 months given to remove the internal domestic kitchen including all equipment and cabinets, 8 months to remove the small store and make good the building and 8 months to repair and make good all damage to the

building from removal of the kitchen and small store would all be sufficient. The appellant suggests that a longer period would be of benefit to his family but that does not outweigh the level of harm identified with respect to the listed building and its setting and therefore the appeal on ground (h) does not succeed.

#### **Appeal C on ground (c)**

20. The ground of appeal is that the matter alleged does not constitute a breach of planning control. I noted at my site visit that the railway carriages and caravan have all been removed from the site. However, since the appeal remains, I shall determine it on the ground submitted.
21. The appellant argues that siting of two railway carriages and a touring caravan on the customer car park are temporary structures that do not constitute development under the terms of s55 of the Act. They are not attached to the land and are easily moveable and are only being stored and not used as separate units of residential accommodation.
22. The alleged breach does not relate to operational development but rather relates to the siting of the items on the land which constitutes a material change in the use of the land from a customer car park to a customer car park and the siting of two railway carriages on the car park for residential use and the siting of a touring caravan on the customer car park for residential use. There is insufficient evidence before me that at the time the notice was served the items had not been sited on the land for residential purposes. Consequently, the appeal on ground (c) does not succeed.

#### **Appeal C on ground (g)**

23. The ground of appeal is that the time given to comply with the requirements is too short. The periods of 5 months given to remove the railway carriages, remove the touring caravan and permanently remove all materials and waste would all be sufficient. The appellant suggests that a longer period would be of benefit to his family but that does not outweigh the level of harm identified with respect to the listed building and its setting. I have also noted that the items have all been removed from the appeal site. Therefore, the appeal on ground (g) does not succeed.

#### **Appeal D on ground (d)**

24. The ground of appeal is that at the date when the notice was issued, no enforcement action could be taken. The Courts have established that the onus of proof falls on the appellant and the test of evidence is on the balance of probabilities. In addition, the appellant's evidence should not be rejected simply because it is not corroborated. If there is no evidence to contradict their version of events, or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted. In order to succeed on this ground, it would be necessary to show that the detached outbuilding changed to use for self-contained residential purposes on or before 22 November 2012 and that the use then continued without interruption for a continuous period of 4 years or, if the breach of planning control commenced after 25 April 2024 the ten year rule applies under the Levelling Up and Regeneration Act 2023.

25. In support of his appeal the appellant has submitted an appeal statement with a signed statement and Assured Shorthold Tenancy Agreements dated 1 February 2016 and 1 December 2020 and an affidavit signed by a previous tenant dated 9 September 2021. The appellant's evidence is that he has owned the building since November 2015 when it was already converted to residential use with mains water, drainage and electricity. He states that there was a kitchen and living space downstairs and a bedroom on the first floor with bathroom and WC. Between 1 February 2016 and 1 December 2020, the building was leased to one tenant and then another tenant from 1 December 2020 to 30 November 2021. The Assured Shorthold Tenancy Agreement dated 1 February 2016, and accompanying affidavit signed by Mr David Banner-Eve confirms that he occupied the property as his main residence throughout the whole tenancy period. The appellant seems to be arguing that Mr David Banner-Eve's evidence alone is sufficient to discharge the burden of proof. However, the Council has previously explained that the authenticity of the Assured Shorthold Tenancy Agreement is questionable and other than the affidavit the claims of the previous tenant are not supported by any more detailed evidence.
26. Given the history of the appeal site since February 2016, including the detailed Environmental Health First Tier Tribunal Property Tribunal (Residential Property) decision dated 17 January 2022, I can see that there is evidence of the property being occupied for residential purposes. However, an emergency prohibition order dated 24 June 2021 prohibits use of the first floor for all purposes and the use of the ground floor for sleeping. The prohibition order was upheld on 17 January 2022 and there is no evidence before me that the decision was subject to any further appeals.
27. Further evidence shows that Mr Abdul Mojid lived at the property between 1 December 2020 and 30 November 2021 and this is supported to a degree by the Assured Shorthold Tenancy Agreement dated 1 December 2020. The appellant's evidence is that on the date his Appeal Statement was signed there were two tenants occupying the outbuilding. The appellant has also confirmed that the appeal building has been listed for Council Tax purposes from 1 December 2020.
28. The Council's main concerns seem to be made on the basis of reports that the building was being converted to residential accommodation in February 2024 and it was also being advertised for rent. The appellant's explanation of this is quite plausible – that repair, redecoration and refurbishment was being undertaken. That would account for increased levels of activity at the property as well as the person in question seeing building materials on site. In addition, the appellant accepts that information provided to the Council in the Planning Contravention Notice dated 9 January 2025 was vague and lacking clarity and was given without taking professional advice.
29. The Local Planning Authority also argues that the available evidence shows short-term occupation in late 2020 to early 2021, followed by staff from the neighbouring restaurant using it for sleeping purposes until the Emergency Prohibition Order was issued in June 2021, which immediately stopped any residential use. Furthermore, an inspection by Environmental Health Officers in May 2022 confirmed the building was not being lived in which indicates that the prohibition order was being upheld.

30. The Council also highlights that estate agent details from 2020 described the structure as a storage shed, contradicting the appellant's claim of long-term residential use since 2015. It is also of relevance that the appellant only sought to backdate Council Tax for the outbuilding in August 2024 for the period from March 2021, coinciding with enforcement concerns, rather than for the alleged longer period of occupation of the outbuilding.
31. Therefore, there is insufficient convincing evidence that the outbuilding was used continuously as a self-contained dwelling for either four or ten years. There is sufficient evidence before me to make the appellant's version of events less than probable, and their evidence is in sufficiently precise and unambiguous
32. Therefore, appeal on ground (d) fails.

#### **Appeal D on ground (g)**

33. The ground of appeal is that the time given to comply with the requirements is too short. The period of 3 months given to cease the use of the outbuilding for self-contained residential purposes, to remove all fixtures and fittings associated with the unauthorised use and to remove from the land all items, materials and debris is sufficient. The appellant suggests that a longer period of six months would be reasonable because there are two tenants and there is a high cost and scarcity of rented accommodation in the area. However, given the concerns relating to the sub-standard quality of the accommodation and poor living conditions provided it is in the interests of occupants to cease using the property within the 3 months specified in the Notice. Therefore, the appeal on ground (g) does not succeed.

#### **Formal Decisions**

##### **Appeal A**

34. The enforcement notice is corrected by the deletion from paragraph 5(i) of the word "are" and the substitution therefore of the word "area". Subject to this correction the appeal is dismissed and the enforcement notice is upheld.

##### **Appeal B**

35. The appeal is dismissed and the LBEN is upheld.

##### **Appeal C**

36. The appeal is dismissed and the enforcement notice is upheld.

##### **Appeal D**

37. The appeal is dismissed and the enforcement notice upheld.

*A A Phillips*

INSPECTOR