

Location: **Land Between Croft Lane Norton Road And  
Cashio Lane  
Letchworth Garden City  
Hertfordshire**

Applicant: **Ms Ailsa Davies**

Proposal: **Outline planning application for residential  
development of up to 42 dwellings, all matters  
reserved but access (as amended by plans and  
information received 09-06-2020, 23-07-2020 and  
10-12-2020).**

Ref. No: 19/00520/OP

Officer: **Sam Dicocco**

**Date of expiry of statutory period : 05.06.2019**

### **Submitted Plan Nos**

5182-001A; 5182-002A; TCP 9363 04 01A ST-2571-18B ST-2571-20 ST-2571-21A  
ST-2571-22

#### **1.0 Relevant History**

1.1 17/00933/1PRE - Pre-app advice for Outline Planning Application: Residential  
development of up to 39 dwellings – Advice given.

#### **2.0 Representations**

2.1 **Site Notices: 15/03/2019 Expiry: 14/04/2019**  
**15/06/2020 15/07/2020**  
**Press Notice: 21/03/2019 Expiry: 13/04/2019**  
**25/06/2020 18/07/2020**

#### **Consultee responses**

Anglian Water – No objection subject to drainage works pre-commencement condition  
– 15/04/2019 – No objection subject to inclusion of Flood Risk Assessment document  
being included in the list of approved plans/documents – 14/01/2021.

Archaeology – No objection subject to conditions 10/04/2019 – No change in  
comments 06/07/2020

Area Highways – Interim comments on Travel Plan 05/04/2019 - Objection based on insufficient width of carriageway; poor pedestrian access across the site; incorrect information on the visibility splay – 24/06/2019 - No objection subject to conditions and obligations 21/08/2020 – Further no objection subject to conditions and obligations 26/03/2021

Countryside and Rights of Way – No comments 20/03/2019

Environmental Health Contaminated Land – No objection subject to conditions - 19/03/2019

Environmental Health Noise – No objection or comments 19/06/2020 – No objections or comments 04/02/2021.

Growth and Infrastructure – No objection subject to obligations 21/05/2019 – No objection subject to obligations 03/07/2020 – No objection subject to contributions 29/01/2021

Hertfordshire Ecology – No objection subject to informatives and conditions – 07/07/2019 – No objection subject to informatives and conditions 17/08/2020.

Hertfordshire Fire and Rescue Services – No objection subject to obligation - 03/04/2019

Herts and Middlesex Wildlife Trust – Objection does not demonstrate measurable net gain to biodiversity 25/04/2019.

Historic England – No comments 03/04/2019 – No comments 19/06/2020

Housing Supply Officer - Suggested affordable housing mix of 6 x 2 bed houses; 4 x 3 bed houses and 1 x 4 bed house for rent and 2 x 2 bed houses; 3 x 3 bed houses and 1 x 4 bed house for intermediate affordable housing tenure, to meet housing need 02/04/2019 – Same response 23/06/2020 – Same response 28/01/2021.

Landscape and Urban Design Officer – Detailed comments provided, more relevant to future reserved matters 02/04/2019 – Further details required for impact on Trees 25/06/2020

Lead Local Flood Authority – No objection subject to planning conditions 02/04/2019 – Objection based on insufficient information 06/07/2020 - Objection based on insufficient information 12/02/2021 – No objection subject to conditions 22/03/2021.

Letchworth Garden City Heritage Foundation – Objections raised in respect to access, construction traffic, residential amenity, layout and community engagement 17/04/2019 – No change in objection 14/07/2020 – Would further object to loss of trees along Croft Lane 04/11/2020 - No change in objection 20/01/2021

Minerals and Waste Authority – No objection subject to conditions

Senior Conservation Officer – No written comments provided. The Senior Conservation Officer has been present and involved in the negotiation of the access details following the issuing of written comments in respect to the pre-application advice previously issued by the Council. A surgery was held with the Senior Conservation Officer on 07/05/2021 in which the view that the proposed access and wider development would result in less than substantial harm to the significance of heritage assets was agreed.

Sport England – Objection based on lack of financial contribution towards playing field mitigation 29/03/2019 – No change 16/06/2020 – No change 19/01/2021

Waste and Recycling – Comments on waste and suggested conditions 29/03/2019 – Further comments on accessibility for waste 25/06/2020 – Full details of waste collection required in future applications 09/02/2021.

### **Neighbour representations**

**129 neighbour representations have been received from premises adjoining and surrounding the site. All are objections. The representations are summarised, cumulatively, below. It is noted that the below is a brief summary. All responses have been read in full multiple times, and members are encouraged to review the neighbour responses in full at their leisure.**

Green space should be preserved for the original use  
Access issues around health and safety inc. construction traffic, RSA insufficiencies, Croft Lane road widths  
Character impact of the development on the original garden city plan and street scene of Croft Lane as a Conservation Area  
Local plan says 37 units, application up to 42 units, Transport Assessment up to 50 units  
Issues with the application form  
Issues with the Transport Assessment (inc. conflict between access and construction access)  
Comparisons in Herts Highways approach between this site and Echo Hill, Royston and Netherfield Lane, Stanstead Abbots  
Displeasure at Herts Highways “U-turn”  
Restrictive covenant  
Compulsory purchase of a Norton Road house for alternative access  
All members should visit Croft Lane prior to making the decision  
Scale at up to 42 units too large to fit surrounding context  
Structural damage to listed buildings adjoining the access  
Too many executive homes  
Ecological and wildlife habitat issues inc. newts, foxes, a heron, red kites, muntjack deer, newts, sparrowhawks, common toads, bats  
Pedestrian and cyclist access onto Cashio Lane will exacerbate parking issues on the Lane and other off-site parking concerns  
Impact of the Croft Lane localised widening on trees (especially the Horse Chestnut opposite)  
Revised plans still dated 2017  
Cashio Lane access could be used for vehicular access and egress as it is 8.2m wide  
Insufficient capacity of local schools and GPs

## Privacy and overlooking

Norton Action Group (NAG) have provided independent technical notes on transport from Transport Planning Associates and Arboricultural Impact Assessments. Furthermore, NAG have provided independent objections on Air Quality and Disability Discrimination, as well as general objections which tend to follow the summary of other neighbour responses above.

Late representations received in advance of the previous planning committee in April from which this item was deferred have been reviewed. They follow the above summary of previous objections.

### 3.0 **Planning Considerations**

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

3.1.1 The site lies within the settlement of Letchworth Garden City and an area of Landscape and Open Space Pattern as specified in the Saved Local Plan. The part of the site containing the proposed vehicular access lies within Croft Lane Conservation Area. The site forming the playing field, in which the proposed dwellings would be located, is immediately on the south boundary of Croft Lane Conservation Area. There are Listed Buildings nearby and adjoining the site, including (Norton Grange Farmhouse - Grade II, The Three Gables - Grade II, Treetops – Grade II, Thatches – Grade II, Norton Edge – Grade II, Paynes Farmhouse – Grade II, Croft Corner – Grade II, The White Cottage – Grade II and 5 and 7 Croft Lane – Grade II). The site contains two buildings formally utilised in association with the vacant former playing field. The site is largely flat in terms of topography.

3.1.2 The sites surroundings are residential in nature. The surrounding buildings are large, detached dwellings set on spacious plots with large rear gardens. The surrounding area is mixed in character, with some notably important buildings including those listed above.

#### **Heritage Appraisal**

3.1.3 Wood Environment & Infrastructure Solutions UK Limited were instructed by North Hertfordshire District Council to undertake a Conservation Area Character Statement for Croft Lane Conservation Area. Relevant parts of the Character Statement are quoted below (paragraphs 4.1.4 to 4.1.7) to frame an assessment of the contribution of the site to the significance of, and setting of, the Conservation Area.

3.1.4 Croft Lane is historically part of the village of Norton and its two large farm buildings remain as evidence of the area's rural past. Croft Lane was developed as a residential street from around 1905 onwards, though is notably occupied by larger villa type houses than are seen in the surrounding residential streets. Since the principal phase of development between around 1905 and 1911, other plots have been filled with houses of a similar scale and the east end of Croft Lane appears to have been developed more recently, towards the end of the 20th century.

- 3.1.5 Norton Grange Farmhouse (NHLE 1102027), Paynes Farmhouse (NHLE 1174144) and Thatches (NHLE 1347675), of the 17th, 18th and 18th centuries respectively, are the three timber buildings within the Conservation Area, the former two being set opposite each other on Croft Lane as part of U-shaped farm complexes, each with farmland behind. The Three Gables (1907) (NHLE 1295871) and Croft Corner (1911) (NHLE 1102026) were both designed by Cecil Hignett, famously the architect of The Spirella Building in Letchworth, the former for his own occupation. The former is in roughcast brick with thatched roof with eyebrow dormers and casement windows throughout.
- 3.1.6 All of the buildings in the Conservation Area are set back from the road behind gardens which are themselves separated from the road by tall hedges and other planting, creating a secluded feel from the roadside and presumably also within individual properties.
- 3.1.7 There are noticeably more street trees west of Paynes and Norton Grange farmhouses and this locates the more enclosed-feeling part of the Conservation Area to this part of it, i.e. around the earlier 20th century buildings. There is a pavement on the south side of Croft Lane which has, for the most part, a grass verge between it and the road. The kerbs here are stone.
- 3.1.8 The special interest of Croft Lane Conservation Area lies in its connection to the foundation of Letchworth Garden City and it hosting a series of significant buildings by key Letchworth Garden City architects, Parker & Unwin, Cecil Hignett and Geoffrey Lucas. Due to planting in front of almost all properties in the Conservation Area, long views are almost entirely absent and it retains something of a rural feel, despite being almost entirely surrounded by suburban residential streets of Letchworth Garden City.
- 3.1.9 Croft Lanes significance is considered to lie within its historical development. The Lane served few farm buildings and a single dwelling on the edge of Norton prior to the development of Letchworth Garden City. Parts of the Lane were filled in the early part of the development of Letchworth Garden City, and later infilled with more modern dwellings. All dwellings detached, of similar sizes, and set back from the land with verdant frontages, maintaining a relatively rural feel considering the sites edge of settlement wider context.
- 3.1.10 The setting of the Conservation Area is mixed, with agrarian feel to the north, and recently (in built form context) developed residential land to the south. Historically, the area hosted two farm buildings in a U formation either side of the Lane. Part of the significance of the Conservation Area lies in how it has been developed to form the edge of Letchworth Garden City. Given the later development of the area, the significance of the Conservation Area partially lies within the very confined interrelation of houses and the streets lack of long views either through or out of it. The setting of the Conservation Area, by reason of the Lanes confined nature, has a limited contribution to the significance of the heritage asset.

### **Sites contribution to significance of the heritage assets**

- 3.1.11 The site subject to this application contains some buildings which fall within the Conservation Area. The smaller building on the west edge of the site has no architectural merit and does not contribute to the significance of the Conservation Area. The larger building, to the east edge of the site, hosts some architectural merit and seemingly has some historic association with Norton Grange Farmhouse. These buildings are set back from Croft Lane, do not address Croft Lane, and are screened to some extent by the verdant frontage of the site to Croft Lane. These buildings are currently marked as being retained, and in respect to the larger building to the east of the site, this retention is of merit. There is one small access point wide enough for vehicular access, with a small dropped kerb and hard surfacing leading to the site's boundary. Beyond this, the site is green and open, laid to grass, with some trees growing within the part of the site within the Conservation Area.
- 3.1.12 The wider site, outside of the Conservation Area, is laid to grass, with no current functional use. The site is bounded by the rear boundary treatments of dwellings which encompass the site. The site boundaries are largely verdant, with mature trees and hedging.
- 3.1.13 It is considered that the part of the site which lies within the Conservation Area does contribute to the heritage assets significance. This significance is formed from the site's openness, and its exception from historic infill development between historic buildings on the Lane. Further contribution to significance is derived from the sites open and verdant presentation to the street, with hedging and trees.
- 3.1.14 The wider site is open in its nature. Notwithstanding this, by reason of the confined nature of the Conservation Area, alongside the site positioning to the south and surrounding residential development, the site openness only has a limited contribution to the significance of the heritage asset.
- 3.1.15 It is noted that the site is bounded by some Listed Buildings, as described above. These Listed Buildings have varying significances and historic and architectural interest.
- 3.1.16 The farm buildings and Thatches reveal the history of Croft Lane before the development of Letchworth Garden City. Paynes Farmhouse retains some of its historic agricultural setting on the north side of Croft Lane. Given the separation distance and agrarian setting derived from the north side of Paynes Farmhouse, it is not considered that the site contributes to the setting of Paynes Farmhouse.
- 3.1.17 Whilst historically, the site would have formed part of the setting of Norton Grange Farmhouse, the openness of the surroundings have been significantly degraded over time. The sites current contribution to the significance of Norton Grange Farmhouse as part of its setting is considered limited by the changes in character and function of the listed building itself and its surroundings over time. It is not considered that the site contributes to the significance of Thatches as the other pre-Garden City listed building adjacent to the site.

3.1.18 The other listed buildings which directly adjoin the site are Treetops and The Three Gables. These buildings are self-evidently architecturally significant, and historically significant in that they were designed by prominent Garden City architects, and form part of the history of Letchworth Garden City. Pursuant to this, it is not considered that the open, playing field, nature of the area to the rear of these properties contributes to the historic significance of these heritage assets.

3.1.19 In addition to the listed buildings, the following adjoining premises are registered as Buildings of Local Interest –

**46 Norton Road.**

*1906. Designed by Parker and Unwin. A simple square house with large steeply pitched roof with weatherboarded infill. The front elevation has a broad veranda with hipped roof. The building is designed by notable architects and is of particular local and historic interest.*

**54 and 56 Norton Road.**

*1906. Geoffrey Lucas. The building has a complex multi-gabled roof and is well designed with high quality chimney detailing. The building is designed by notable architects and is of particular local and historic interest.*

**68 Norton Road.**

*1911. Designed by Bennett and Bidwell to a high architectural standard, in the vernacular style characteristic of Letchworth. The building is designed by notable architects and is of particular local and historic interest.*

3.1.20 Furthermore, the Letchworth Garden City Heritage Foundation has prepared a list of 'Homes of Special Interest' (hereafter referred to as HSI's). Of pertinence to properties adjacent to the site, and not already a designated heritage asset (i.e. part of the Conservation Area, are –

**Norton Road**

*52, 54, 56, 66, and 68.*

3.1.21 These adjacent non-designated heritage assets, are of notable architectural interest, historical value, retained original features or forming part of the town and country ethos of the Garden City. Notwithstanding this, it is not considered that these notable features are materially influenced by the sites currently open nature. The development of the site will not impinge upon the features from which these non-designated heritage assets derive their value.

## 4.0 **Proposal**

4.1 The application seeks outline planning permission for the erection of up to 42 residential dwellings within the site with all matters reserved save means of access. All plans are indicative save those which depict means of access.

## 4.2 Key Issues

### Preliminary matters

- 4.2.1 The application is for outline planning permission with all matters reserved save means of access. The matters reserved for future consideration are internal access, appearance, scale, landscaping and layout. Whilst these matters are reserved for later consideration, some indicative details have been received to assist in deciding this application. The considerations of internal access, appearance, scale, landscaping and layout remain relevant, however, only to the extent that the site may be capable of accommodating the proposed development in the context of these considerations.

### Principle

- 4.2.2 The site lies within a Landscape and Open Space Pattern area as allocated by the Saved Local Plan (SLP). In accordance with policy 21 of the Saved Local Plan, the Council would normally refuse development proposals which would have a significant impact on the character, form, extent and structure of the pattern. Further to this, and only where the development achieves the initial test, the policy requires development to retain the pattern through appropriate landscape and open space provision and quality of design; manage appropriate land for open spaces; encourage positive use and management of formal and informal recreation; and encourage small scale environmental improvements.
- 4.2.3 Whilst some flexibility is built into this policy, through the word 'normally', it cannot be said that the proposed development would not have an impact on the character, form, extent and structure of the pattern of the site as a designated landscape and open space. The proposal thereby conflicts with the aims of policy 21 of the SLP.
- 4.2.4 The proposed development of the site is supported by policy 8 of the SLP by being positioned within the settlement of Letchworth, where development needs of the District are directed. The site is within a Residential Area and thereby supported by policy 26 of the SLP, subject to an assessment on the impact on the environment and character of the existing area. An assessment of this part of policy 26, as well as policy 57, proportionate to the outline nature of this proposal, is set out later within this report. The proposal would provide affordable housing in excess of that required by policy 29A of the SLP.
- 4.2.5 The 2011-2031 Local Plan Proposed Submission (Emerging Local Plan (ELP)) has been submitted to the Secretary of State and is progressed as described in paragraph 2.4 of this report.
- 4.2.6 The site is identified as a proposed Local Housing Allocation under the provisions draft Policy HS1 as LG10. Paragraph 48 of the National Planning Policy Framework (NPPF) provides advice on weight which might be given to emerging policy having regard to:
- a. *The stage of preparation the plan has reached;*
  - b. *The extent of unresolved objections; and*
  - c. *The extent to which the proposed new policies are consistent with the NPPF.*



- 4.2.7 The plan is well advanced, with the issuing of modifications and subsequent multiple hearings. No further hearings or unresolved objections are considered outstanding on those matters, issues and questions would not impact the sites allocation. The issued modifications considered representations made against the plan and resolve such issues. Allocation LG10 has been modified to remove the requirement for re-provision of the loss of open space as the site is not open to the public. The modification has not been raised as an issue beyond written representations. The modification is subject to an objection from Sports England. It is considered that the policies within the ELP which the site would rely upon for any support are consistent with the NPPF.
- 4.2.8 The site is allocated in policy HS1 as LG10, for the provision of an estimated 37 homes. The policy stipulates that the development hosts appropriate access arrangements to minimise impact upon heritage assets; sensitive design and lower density development to minimise harm to the Croft Lane Conservation Area and setting of the Grade II Listed Buildings along Cashio Lane, Croft Lane and Norton Road; and to provide an archaeological survey prior to development. These matters are considered later within this report, in line with specific professional advice sought from consultees, however, the principle of residential development of the site draws support from the ELP.

### **Access**

- 4.2.9 Means of access to and from the site is unreserved within this application. That is to state that the means of access into and from the site would be fully satisfied if this application were to be approved (subject to conditions if necessary). The Council must be satisfied that the means of access is capable of accommodating up to 42 dwellings. Internal access is reserved by this application. It is also necessary, in establishing the principle of the development of the site, that the indicative internal access shown is capable of accommodating the scale of the proposal. Access is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) ("DMPO") as *"the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network"*.
- 4.2.10 Further interpretation of this consideration can be found within policy T1 of the ELP. Policy T1 is considered consistent with the NPPF, and states that permission will be granted provided that the development would not lead to highway safety problems or cause unacceptable impact on the highway network. The policy continues to state that sustainable transport infrastructure measures and improvements will be sought. The proposal does not meet the policy threshold for a transport statement, however the applicant must demonstrate how, as far as practicable, the proposed scheme would be served by public transport; provide safe, direct and convenient routes for pedestrians and cyclists, and be comprehensively integrated into the existing pedestrian and cycle, public transport and road networks.

- 4.2.11 Means of vehicular access has been raised multiple times within neighbour representations made through the duration of the consideration of this application.
- 4.2.12 The site allocation requires appropriate access arrangements to minimise impact upon heritage assets. The proposed vehicular access and egress is proposed on Croft Lane to the north of the site and through Croft Lane Conservation Area. The means of access accommodates two-way traffic with a road width of 5.5m. The access would taper where it meets Croft Lane to allow for manoeuvres involving large vehicles. A mood board has been provided (5182-012) which indicates the type of detailing which can be achieved for the access to best preserve the character of the Lane.
- 4.2.13 It is noted that the sites open nature, as an example of a plot which has not been filled by later development, and its verdant boundary treatment to Croft Lane does contribute to the significance of the Conservation Area. Whilst no buildings are proposed or indicated as being provided for within the part of the site which is within the Conservation Area, the access street itself would be within the Conservation Area. The width of the access, alongside its form as hard surfacing and reduction in screening and soft enclosure of the site would diminish the sites contribution to the significance of the Conservation Area. The access would reduce the largely linear nature of development along of Croft Lane and Cashio Lane. Given the amount of space around the access which would be left open, it is considered that a good level of compensatory landscaping could be achieved to diminish this impact.
- 4.2.14 Further to the on-site works, off-site works are required to accommodate the development. These details can be seen on plan referenced ST-2571-18-B, including localised widening of footpaths, a speed table at the entrance to Croft Lane at Norton Road, surface material change at the proposed access to the site, and a speed table at the junction of Croft Lane, Cashio Lane and Paynes Close. The tables are at the extreme ends of Croft Lane Conservation Area, and consequently, would not cause harm to the significance of the Conservation Area as identified in the assessment earlier in this report. The change in materials at the junction of the access is required to overcome a requirement for a speed table in the middle of the Conservation Area, which was considered inappropriate. The change in materials will be conditioned to be undertaken in appropriate materials to a high-quality finish to ensure the impact is minimal.
- 4.2.15 Cumulatively, the access would cause less than substantial harm to the contribution of the site to the significance of the Conservation Area. In this sense, I disagree with the applicants' submission that no harm would result from the development to the sites contribution to the significance of the Conservation Area.
- 4.2.16 Less than substantial harm to heritage assets must be weighed against public benefits. This test is laid out within paragraph 196 of the NPPF, as well as policy HE1 of the ELP. The public benefits of the proposed development include the social and economic benefits of the delivery of housing, including affordable housing, economic benefits of employment during construction, as well as the social and economic benefits of the enhanced use of local services and facilities.

Notwithstanding this, the policy requirement of the allocation to minimise harm on Croft Lane Conservation Area through access details must be satisfied before these public benefits can be applied to the proposal. If an alternative means of access which causes less harm to the heritage asset can be achieved, the public benefits could, and should, be delivered that way.

- 4.2.17 The vehicular access has been negotiated and tested against alternative options which has caused significant delays in the progression of this application. North Hertfordshire District Council (represented by the case officer and Senior Conservation Officer), Hertfordshire County Council (represented as land owners and applicants (Estates) and as Local Highways Authority) and the agents (planning and highways experts) representing the applicants have participated in lengthy discussion and tested several options of access in attempts to minimise impact on Croft Lane Conservation Area.
- 4.2.18 Following these discussions, by reasons of viability, reasonableness as well as harm resultant from alternative options, it has been concluded that the access proposed herein is the least harmful means of achieving the development proposed in heritage terms. Options included use of the existing Cashio Lane access point, use of both Cashio Lane and Croft Lane access points in a one-way system, purchase of nearby dwellings for demolition and provision of access, as well as alternative options for two-way vehicular access and egress onto Croft Lane. The options were ruled out by reason of viability, availability and reasonableness (purchase of neighbouring dwelling) (the site allocation is as shown in the maps supporting the ELP); lack of space within the access to meet technical standards and promote use of alternative modes of transport (Cashio Lane); or requirement for overly engineered accesses and additional 24 hour illuminated signage and bollard requirements (one-way vehicular access using both Croft Lane and Cashio Lane accesses).
- 4.2.19 It is noted that options including the compulsory purchase of a dwelling on Norton Road as well as use of Cashio Lane for vehicular access have been mooted in neighbour representations. Site allocation LG10 does not include any land or dwellings addressing Norton Road. The site allocation in the ELP has not been tested in terms of financial viability against any requirement to purchase additional land to accommodate an access onto Norton Road. Therefore use of Norton Road as a means of access is unreasonable, and the assessment should be against other potential means of access within the site allocation boundary, not outside of it.
- 4.2.20 The use of a Cashio Lane as exclusive, two way, vehicular access and egress has been ruled out as the width of the access, particularly at the point closest to Cashio Lane whereby the bellmouth of the access would begin, is insufficient to meet the technical standards set by Local Transport Plan 4. Cashio Lane represents the most direct desire lane to access a wider cycle network and a cycleway could not be provided alongside a 5.5m wide carriageway and 1.8m footpath.
- 4.2.21 Whilst option 7 (of 8) was selected by deduction of alternative options, it has subsequently been amended to reduce harm to the site's contribution as a heritage asset and to the setting of nearby heritage assets (hence option 7b now proposed). Accordingly, the public benefits of the development can be reasonably applied against the harm, and the proposal is considered compliant with the site-specific requirement of minimising impact on Croft Lane Conservation Area.

- 4.2.22 Whilst the proposed two-way vehicular access onto and from Croft Lane will cause less than substantial harm to the contribution of the site as a heritage asset and the setting of heritage assets, the public benefits of the proposal would outweigh this harm. Conditions will be required to ensure a good level of compensatory landscaping is established by way of future reserved matter application, and that the surface finish details minimise harm.
- 4.2.23 The application has been supplemented by a Transport Assessment which has revealed, without contestation from Hertfordshire County Council as Local Highways Authority, that the means of vehicular access could accommodate associated transport movements with up to 42 dwellings without harm to the safe use of the highway subject to mitigation.
- 4.2.24 Hertfordshire County Council as Highways Authority consider that, subject to conditions and legally secured contributions, that the transport impact could be sufficiently mitigated. The mitigation would be borne through the following improvements, provided by way of S278 and S106 agreements:

**S278 works:**

All access works identified on the drawings ST-2571-21 Rev A Means of Access Croft Lane Option 7b, ST-2571-18 Rev B Croft Lane Access Strategy and ST-2571-22 Swept Path Analysis – Croft Lane – Option 7B, and the following:

- 1/. access works and closure of redundant sections of vehicular access;
- 2/. localised widening of Croft Lane, Sinusoidal ramps on speed tables, Re-align kerb, Proposed speed table, proposed uncontrolled crossing point to existing footway to the west of Cashio Lane, No footway for 220 yards sign, Localised widening of footway to achieve 2.0m widths where appropriate, etc.,
- 3/.in Cashio Lane: provision of uncontrolled pedestrian crossing;
- 4/. the “Potential footway and crossing on Norton Road (contribution towards Highway Authority)” presented on the drawing Croft Lane Access Strategy, ST-2571-18-A, Appendix H of the TA) should be changed to: Provision of footway and signalised pedestrian crossing on Norton Road (the works to be undertaken under s278 works). This is due to the works are essential for the development to be acceptable in highway terms to provide safe access to the nearest bus stop and the school.

**S106 contributions towards:**

Package 06 of the North Central Hertfordshire Growth and Transport Plan: To form a sustainable corridor between Stevenage and Letchworth Garden City by upgrading existing cycling infrastructure, improving the public realm in villages on B197 as well as ensuring bus priority or/and

Package 10 of the North Central Hertfordshire Growth and Transport Plan: To enhance cycling infrastructure between Hitchin, Letchworth Garden City and Baldock; and make it a safe and attractive option for sustainable trips. Or/and

Package 11 of the North Central Hertfordshire Growth and Transport Plan To increase active transport provision between the centre of Letchworth Garden City and the Industrial Estate by providing a signposted and connected active transport network.

- 4.2.25 Other than the vehicular means of access concentrated on above, the site would provide a wide and attractive secondary means of pedestrian and cyclist access onto Cashio Lane to the west of the site. This additional access shows permeability, and makes best efforts to connect the site sufficiently to local facilities including schools by alternative modes of transport than private motorised vehicles.
- 4.2.26 Neighbour representations have been received with concerns as to the original objection from Hertfordshire County Council as Local Highways Authority being subsequently overturned to a recommendation for approval subject to conditions. This is not an uncommon occurrence. The reasons for objection provided in the original response from the LHA related to technical design details of the width of the carriageway, pedestrian access across the site, and incorrect information on visibility to and from the access from Croft Lane. All these technical issues had regard to access proposed within the site itself. Pursuant to changes in the access proposals, these technical detail issues were overcome.
- 4.2.27 It is also noted that neighbour representations had regard to the LHAs responses to other similar applications. Each proposal is considered on its own merits, and there are never two sites and proposals which have identical circumstances and context in terms of sustainable transport.
- 4.2.28 The means of access would, subject to mitigating conditions and planning obligations, be able to accommodate the development proposed without harm to the safe use of the highway and successfully connect the proposed dwellings to essential facilities without the requirement for independent vehicles. Internal access is reserved for future reserved matters applications, however, the indicative plans provide comfort that safe access can be provided internally for all modes of transport. Whilst the means of access would cause less than substantial harm to the contribution of the site to the significance of heritage assets, including the setting of Listed Buildings as well as Croft Lane Conservation Area, this harm would be partially mitigated by conditions and is the minimum to deliver public benefits which outweigh that harm. On behalf of the Local Planning Authority, I consider a pre-commencement condition requiring the final finish detailing of both the on and off-site works required to accommodate the access would meet the tests of conditions set out in paragraph 55 of the NPPF. It is considered that, subject to conditions and obligations, the means of access proposed is capable of accommodating up to 42 dwellings in a sustainable fashion.

### **Appearance**

- 4.2.29 Appearance “*means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture*” (DMPO). The most relevant site-specific criterion to this matter is that the development be sensitively designed and/or lower density housing to minimise harm to the Croft Lane Conservation Area and setting of the Grade II Listed Buildings along Cashio Lane, Croft Lane and Norton Road.

- 4.2.30 Appearance is clarified within policy 57 and 58 of the SLP, policy D1 of the ELP and the Design Supplementary Planning Document. Generally, the policies aim for the design of buildings or places to reflect the character of the sites surroundings. The SPD and Policy 58 of the SLP goes into more detailing as to the materials used in the development of Letchworth Garden City and their rational (particularly paragraph 196 of the SPD). Notwithstanding this, the details within these policies are not particularly relevant to this application, as this detail is a reserved matter. The policy basis is only important in that it would be possible to achieve the desired appearance on the site with the proposed development.
- 4.2.31 Given the amount of good quality design buildings in the immediate surroundings of the site, it is considered that the proposal would be more than capable of accommodating buildings of an appropriate appearance in any future reserved matters application. No further information is considered to be required at this outline stage in respect to appearance. No parameters have been proposed in any of the documents submitted, and consequently, the Council will have freedom to assess a reserved matters application in respect to appearance with a free reign, and seek the highest architectural quality. The proposed development could thereby provide a high quality appearance which would preserve the significance of the heritage asset and meet the relevant design based criteria of the SLP, ELP and NPPF.

### **Landscaping**

- 4.2.32 Landscaping is defined 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 or provision of gardens, courts, squares, water features, sculpture or public art; and*
  - (e) the provision of other amenity features.”*
- 4.2.33 Policy NE1 of the ELP advises that proposals would be granted so long as they do not cause unacceptable harm to the character and appearance of the surrounding area taking account of any suitable mitigation measures necessary to achieve this, are designed and located to 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. Policy 57 of the SLP guides that the layout of proposals should be designed to keep landscape features where possible, and proposals should take opportunities to improve the landscape of the site and its surroundings.

- 4.2.34 Some landscaping details have been provided within an indicative plan. Further landscaping details can be found within the Tree Survey and Tree Constraints Plan. The site contains some trees along the boundary as well as two class C trees towards the east of the site which are not on the boundary. The indicative site plan shows the majority of those trees to be retained.
- 4.2.35 The indicative retention of category B and a large proportion of category C trees is welcomed. The indicative site plan does not position any dwellings such that any trees are clearly threatened by proximity, daylight issues, or root protection concern. The proposed means of access to the north onto and from Croft Lane does have potential implications for existing trees.
- 4.2.36 The principle and most notable removal is that of a classification C Ailanthus tree adjacent to Croft Lane. The Tree Report suggests that tree is the weaker within the row and is suppressed by adjoining Norway Maple trees. That report aligns to my understanding and result of my site visit. I do not consider the tree to have a significant contribution to the significance of the Conservation Area for these reasons and am thereby not objectionable to its removal to accommodate the means of access. The means of access will also encroach upon the root protection area of a Pear tree (classified U) and a Norway Spruce (classified C). Again, I have no particular concerns regarding these removals, by reason of their classification alongside their limited contribution to the significance of the Conservation Area. A condition will be required to ensure that the trees identified above as being under threat from the proposed access will be replaced in part of the site within the Conservation Area in the next planting season after the means of access is completed.
- 4.2.37 The landscaping shown in the indicative details, in terms of the planting of trees along the outer and inner side of the circular access road shows that a good level of tree planting could be achieved. Further consideration of perimeter screening planting should be considered in future landscaping reserved matters applications where that planting would benefit the amenity of the occupiers of future and that of adjoining premises.
- 4.2.38 As a result, it is considered that the indicative layout shows that the site could accommodate the proposed development while maintaining a high-quality landscape. The proposed removal of trees would not impact the contribution of the site to the significance of the Conservation Area, subject to later reserved matters application to improve landscaping to the entrance of the site along Croft Lane, which is clearly achievable. It is noted that the tracking proposed indicates a widening of Croft Lane opposite the entrance and in close proximity to an existing Horse Chestnut tree. A condition will be added to ensure details of the surfacing proposed around the tree and methods to best protect the tree are submitted and approved by the Local Planning Authority prior to commencement of the works to accommodate the proposed access.

### **Layout**

- 4.2.39 Layout *“means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development”*.

- 4.2.40 Layout is considered to be an important aspect of Letchworth Garden City Design Principles (policy 58 of the SLP and policy D1 of the ELP). Creating vistas, closure and accents within group design breaks the monotony of built form. Stepping of building lines with differing block designs with similar materials allows for the creation of accents. Vistas are best formed by tree lined streets and closure represented by feature buildings at key points.
- 4.2.41 The indicative layout is considered acceptable in-so-much as it provides some evidence that the amount of development proposed could be accommodated on the site in respect to layout. There is evidence of some stepping of building lines.
- 4.2.42 Work is needed in respect to the creation of vistas and accents. Work is also required in respect to buildings addressing corners and orientation of the built form to make best use of natural light and solar gain. In terms of open spaces, it is considered that the grouping of open space around the edges of the site is not a particularly attractive or inclusive strategy, albeit, it does allow for some spacing from sensitive adjoining premises in terms of heritage value and residential amenity (along Norton Road where landscape screening is less prevalent). It is not considered that the occupiers of any proposed building would suffer poor living conditions by reason of the relationship with other proposed buildings based on the indicative plan.
- 4.2.43 Care will need to be taken in any reserved matters application in respect to layout (and landscaping) to ensure that harm to adjoining premises in terms of overlooking and outlook is not harmed. Particular care should be taken around plots 25, 28-32 in terms of distance to existing rear boundaries and supplementary planting as potential mitigation. Further consideration must be had to any particular views into the site or views into or from any adjoining heritage assets as a starting point for any layout supplementing future reserved matters applications.
- 4.2.44 In terms of reflecting the character of the sites surroundings, it is noted that the buildings are separated some distance from the street or driveway which they address. Shared driveways should be minimised in future reserved matters applications as it is unreflective of the linear pattern of development of the surrounding area. Notwithstanding the above suggestions, with some configuration, it is considered that an acceptable layout, not unlike the indicative plan, would award sufficient spacing to accommodate the proposed development without harm to the significance of nearby heritage assets and living conditions of the occupiers of adjoining premises, while representing high-quality design.

### **Scale**

- 4.2.45 *"The height, width and length of each building proposed within the development in relation to its surroundings"* is how scale is defined in the GPDO. Again, this consideration is only covered in-so-far as to whether the site would likely be capable of accommodating the development proposed.
- 4.2.46 Scale is not directly addressed in the development plan beyond policy D1 of the ELP and policy 57 of the SLP. The scale of the proposed development should respect the character of the sites surroundings.



- 4.2.47 The indicative plans and elevations show two storey buildings. The planning, design and access statement confirms an envisaged height of 2 storeys, with maximum eaves heights of 5m and ridge heights 9m. It is not considered that the ridge height is appropriate to the site's context. Notwithstanding this, this matter is reserved, and my suggestion that 9m is inappropriate is just that. Evidence will need to support any reserved matters application that the height of the buildings has been informed by its context. 2 storeys as a maximum height is considered appropriate to the site's context. The indicative layout shows the site perfectly capable of accommodating the dwelling mix and floor space required for those dwellings over two storeys.
- 4.2.48 The proposed development is not going to be capable of directly reflecting the surrounding area in respect to the width and length of each building and separation distances without having a severe impact on deliverability and failing to maximise the use of the site. Here we have conflicting policy considerations. Considering the proposed access details (representing a cul-de-sac with good pedestrian and cyclist permeability), and spacing between the proposed built form and those dwellings on Cashio Lane, Croft Lane and Norton Road, it is considered that, with some amendments, the proposed development could provide the density and scale indicated without harming the character of the surrounding area. The information supporting this application demonstrates that the site could accommodate the scale of development proposed without harm.

### **Ecology**

- 4.2.49 The site is not considered to be of high ecological value. That being said, policy NEx of the ELP suggests that all proposals should seek to deliver net gains for biodiversity and geodiversity, contribute to ecological networks and the water environments, and/or restore degraded or isolated habitats where possible. Hertfordshire County Council Ecology have not suggested or progressed any requirements for planning conditions or obligations in this case. Informatives have been requested and duly added. Consequent to Hertfordshire Ecology response to consultation, it is considered that the development accords with the development plan in regard ecology.

### **Flood risk**

- 4.2.50 A flood risk assessment was originally provided with this outline planning application dated 06 March 2019. The assessment has been supplemented with an addendum dated 05 March 2021, pursuant to negotiations in respect to access.
- 4.2.51 Following re-consultation with the Lead Local Flood Authority, no objection has been raised to the original flood risk assessment and addendum, subject to conditions which have been duly recommended.

## Housing mix

4.2.52 The indicative plans show the following housing mix –

House type	Number	Total large/small split (%)
1 bed flats	0	+
2 bed flats	0	+
2 bed houses	6	14
3 bed houses	11	+
4+ bed houses	25	86
Total	42	100

Table 1

4.2.53 Policy HS3 requires that new home sites achieve the overall targets of the plan; the findings of the most up-to-date evidence including the most recent strategic housing market assessment, the Council's self-built register and other relevant evidence of housing need; the location and accessibility of the site; and recent completions, existing permissions and sites in the five year supply. Further to this, policy HS3 requires that the scheme would provide a density, scale and character of development appropriate to its location and surroundings.

4.2.54 Following this guidance, the policy requirement for housing mix is, broadly, shown below, based on up-to-date evidence –

House type	Number	Total large/small split (%)
1 bed flats	3	+
2 bed flats	5	+
2 bed houses	9	40
3 bed houses	17	+
4 bed houses	8	60
Total	42	100

Table 2

4.2.55 Whilst it is acknowledged that the sites context is very low density large detached dwellings, no evidence has been provided which satisfies me that any mix otherwise than that required by the evidence supporting the ELP shown in Table 2 is acceptable. The housing mix proposed on the indicative plans is not agreed. It is of note that this is only indicative at this stage. At reserved matters stages, evidence will be required to be submitted to evidence a requirement to vary so drastically from the housing mix suggested in table 2. Some, limited, variance may be accepted if the housing mix cannot be reasonable accommodated without causing unacceptable harm in terms of layout, appearance or scale for instance. As these are indicative, and a matter reserved, the indicative housing mix does not give rise to any reason for refusal at this stage.

## Affordable housing

4.2.56 Policy HS2 requires 40% affordable housing on sites providing 25 dwelling or more. This percentage has been agreed and built into the S106 agreement to be delivered on-site. The policy continues that the expectation is for 65% be rented and 35% other forms of affordable housing. This has again been agreed and built into the S106 agreement. As with policy HS3, the affordable housing provision needs to meet the needs of the area. The other policy requirements have been secured within the legal agreement in the form of the S106 agreement.

4.2.57 Following negotiation, the affordable housing splits in terms of type and size are shown in the tables below –

Social/affordable rented	Total (%)
1 bed flat	0
2 bed flats	0
2 bed houses	55
3 bed houses	36
4 bed houses	9
Total	100

Table 3

Intermediate	Total (%)
1 bed flat Intermediate	0
2 bed flats Intermediate	0
2 bed houses Intermediate	33
3 bed houses Intermediate	50
4 bed houses Intermediate	17
Total	100

Table 4

## Legal agreements

4.2.58 Contributions have been secured by legal agreement for the following –

Category (Authority)	Figure (£)	Infrastructure Project(s)
Primary Education (HCC)	Based on final delivery	towards the expansion of the Garden City Academy school by one form of entry to two forms of entry
Secondary Education (HCC)	Based on final delivery	towards the expansion of Fearnhill School from eight forms of entry to nine forms of entry
Library (HCC)	Based on final delivery	towards Letchworth library to develop the adult fiction area within the library, reconfiguring the space and installing new flexible and accessible shelving
Youth Services (HCC)	Based on final delivery	towards providing additional capacity within the large group work room at the Hitchin Young People's Centre
Sustainable Transport (HCC)	Based on final delivery	towards: Package 06 of the North Central Hertfordshire

		<p>Growth and Transport Plan: To form a sustainable corridor between Stevenage and Letchworth Garden City by upgrading existing cycling infrastructure, improving the public realm in villages on B197 as well as ensuring bus priority; and / or</p> <p>Package 10 of the North Central Hertfordshire Growth and Transport Plan: To enhance cycling infrastructure between Hitchin, Letchworth Garden City and Baldock to make it a safe and attractive option for sustainable trips; and / or</p> <p>Package 11 of the North Central Hertfordshire Growth and Transport Plan To increase active transport provision between the centre of Letchworth Garden City and the Industrial Estate by providing a signposted and connected active transport network.</p>
Leisure (NHDC)	29,852 (subject to indexation)	towards refurbishment of gymnasium and changing facilities to provide the dual use of the facilities within Fearnhill School
Open Space (NHDC)	15,348.80 (subject to indexation)	towards repairs to footpaths, formalisation of BMX trails and improved interpretation/signage at Norton Common
Community Centre (NHDC)	18,035 (subject to indexation)	towards the community hall improvements at Norton Methodist Church, including improving the internal environment of the church
Play Space (NHDC)	28,395 (subject to indexation)	towards play space provision at Howard Park play area to refurbish and replace equipment in Letchworth
Sports Pitch (NHDC)	14,005 (subject to indexation)	towards the on-going maintenance of sports pitch provision at Baldock Road sports pitches, Letchworth
Waste and Recycling	2,622 (subject to indexation)	towards the cost of providing waste collection and recycling facilities serving the Development

Table 5

4.2.59 These contributions have been agreed to compensate additional stress on existing facilities based on the use by new residents. The amounts are considered proportionate to the scale of the development, directly related to the planning proposal and required to make the development acceptable in planning terms. The schemes to which the contributions will fund have been identified and meet the relevant criteria of the CIL Regulations 2012 (as amended).

## Archaeology

4.2.60 Following a thorough review of all available information for the site, Hertfordshire County Councils Historic Environment team consider the archaeological potential of the site falls just below the threshold for requiring further intrusive evaluation predetermination. Consequently, three progressive conditions have been recommended and accepted to ensure the archaeological value of the site is preserved.

## The planning balance

4.2.61 The starting point for the determination of any planning application is the development plan. In this case, the development plan is considered out-of-date by reason of footnote 7 of paragraph 11 of the NPPF. The Council acknowledge a shortfall of the minimum target five-year housing land supply, and the application is for the delivery of housing.

4.2.62 Progressing the application of paragraph 11(d) of the NPPF, limb i. states that planning permission should be granted unless *“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”*. Designated heritage assets are listed as areas or assets of particular importance. Consequently, these policies must be applied to determine whether they provide a clear reason for refusing the development.

4.2.63 In line with my assessment above, the development would cause less than substantial harm to the contribution of the site as a designated heritage asset, and its contribution to the setting of heritage assets. This is not, in itself, a clear reason for refusal. Paragraph 196 of the NPPF sets out the balance to be taken to appraise whether this less than substantial harm will provide a clear reason for refusal.

4.2.64 Less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. In this case, the public benefits of the development include the social and economic benefits of the provision of market and affordable housing in the context of the sharp housing requirement in the District, as well as the other economic and social benefits of the increased use of local facilities and amenities, and employment during construction. Given the detail provided that the access shown, as the principal concern in respect to harm to significance, cannot be alternatively provided, it is considered that these public benefits outweigh the less than substantial harm.

4.2.65 Consequently, the application of policies in the Framework which protect areas or assets of particular importance do not provide a clear reason for refusal. Limb ii. of paragraph 11(d) of the NPPF is thereby engaged, whereby planning permission should be granted unless *“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”*. This is commonly referred to as the tilted balance.

4.2.66 The proposal conflicts with the SLP, in that the plan intends to develop and build upon an area of designated open space, whereby policy 21 restricts significant effect on the character, form, extent and structure of open space patterns in towns.

4.2.67 The Council are well advanced with the ELP. This means that significant weight can be afforded to policies in the ELP. The proposal complies with the ELP. Given the progress of the ELP, this allocation carries significant weight in the planning balance.

4.2.68 The site represents a sustainable location for residential development. The residential use proposed would be near to facilities, amenities and services in a specified settlement. The information submitted to supplement the application, indicative though they may be, satisfy that the site could accommodate the proposed development of up to 42 dwellings, subject to later reserved matters applications. The S106 agreement would provide 40% affordable housing units of an agreeable mix of tenure and size. These social benefits carry significant weight in favour of the proposed development. Further economic and social benefits include employment during construction, as well as the continued and improved use of local services and facilities.

4.2.69 Any harm identified through conflict with policy 21 of the SLP and loss of designated open space would not significantly and demonstrably outweigh the benefits of the proposed development in the context of the allocation of the land for development in the ELP.

#### 4.3 **Conclusion**

4.3.1 Whilst there is a conflict with policy 21 of the SLP, the proposal is compliant with the ELP and NPPF, including the impact on heritage assets. It is considered that the harm resultant from the conflict with policy 21 is not so significant and demonstrable as to overcome the benefits of the development, including affordable housing provision, contribution to an identified housing need, employment during construction and increased use and viability of local facilities. As such, the proposed development of outline permission for up to 42 dwellings should be **GRANTED**.

#### 5.0 **Legal Implications**

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

#### 6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the completion of a satisfactory S106 agreement delivering the infrastructure requirements detailed within this report and the following conditions:

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

2. Before the development hereby permitted is commenced, approval of the details of the internal access, appearance, scale, layout and landscaping (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 2015 as amended.

3. 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.

4. No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

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

Reason: To ensure the satisfactory preservation of any subterranean heritage assets which may exist within the site, in line with section 15 of the NPPF and policy HE4 of the Emerging Local Plan.

5. 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 4.

Reason: To ensure the satisfactory preservation of any subterranean heritage assets which may exist within the site, in line with section 15 of the NPPF and policy HE4 of the ELP.

6. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4 and the provision made for analysis and publication where appropriate.

Reason: To ensure the satisfactory preservation of any subterranean heritage assets which may exist within the site, in line with section 15 of the NPPF and policy HE4 of the ELP.

7. Prior to the commencement of the permission hereby approved, a Site Waste Management Plan must be submitted to and approved in writing by the Local Planning Authority in conjunction with the Spatial and Land Planning Team at Hertfordshire County Council. The Site Waste Management Plan approved pursuant to this condition shall thereby be followed and implemented throughout the construction of the development hereby approved.

Reason: To promote the sustainable management of waste in the county and minimise waste generated by development.

8. The development permitted by this planning permission shall be carried out in accordance with the principles of the approved drainage strategy indicated on Drawing ST-2571-05-B revision B dated 5 March 2021 and the information submitted in support of this application and the following mitigation measures;

1. Limiting the surface water runoff rates to maximum of 5l/s for all rainfall events up to and including the 1 in 100 year plus 40% allowance for climate change event with discharge into the surface water sewer.
2. Provide attenuation to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year including 40% for climate change event.
3. Implement drainage strategy as indicated on the proposed drainage strategy drawing utilising lined permeable paving, swales and basins.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants

9. No development shall take place until a detailed surface water drainage scheme for the site based on the principles of the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:



1. An assessment with an appropriate evidence to discharge surface water runoff from the development site into the ground via infiltration or into a public surface water sewer. If discharge into the sewer will be considered, an evidence will have to be provided why infiltration into the ground cannot be achieved.
2. If the drainage proposals for the access road are to infiltrate, then evidence of permeability should be provided, and test must be conducted in accordance with BRE Digest 365. Tests will have to be undertaken at the exact locations and depth of the proposed infiltration features.
3. If a pumped discharge into a wider drainage on site will be considered, any potential to promote more sustainable design and to limit the pumped network length should be considered. An appropriate evidence should be provided.
4. Final, detailed drainage layout plan showing all piped networks and SuDS features, identified invert levels, as well as a final discharge point into a public sewer.
5. Details in relation to the proposed conveyance swales.
6. Full assessment of the final proposed treatment train for any proposed access roads or driveways.
7. Final network modelling based on an appropriate discharge mechanism for all rainfall events up to and including the 1 in 100 year rainfall including 40% for climate change allowance. As the final discharge into a public sewer rate of 5 l/s should be considered.
8. Detailed engineered drawings of the proposed SuDS (lined permeable paving, swales, basins) and drainage features including cross and long section drawings, size, volume, depth and any inlet and outlet features details including any connecting pipe runs. For the proposed attenuation basins cross section drawings identifying ground levels of the neighbourhood properties should also be provided. This is to minimise any negative impact on the existing neighbourhood residential properties.
9. Details regarding any areas of informal flooding to be shown on a plan with estimated extent areas, flooding volumes and depths based on the proposed layout and topography of the site.
10. An assessment of any surface water runoff flows exceeding the designed 1 in 100 year event including 40% for climate change allowance.
11. Maintenance and management plan to include the final land ownership plan, arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To reduce the risk of flooding to the proposed development and future occupants

10. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:
  1. Final confirmation of management and maintenance requirements
  2. Provision of complete set of as built drawings for the site drainage

Reason: To reduce the risk of flooding to the proposed development and future occupants

11. Prior to occupation of any of the dwellings hereby approved, a scheme identifying a substantial number, as well as the distribution of, EV charging points shall be submitted and agreed in writing by the Local Planning Authority. The EV charging points agreed by way of this condition shall be implemented prior to the occupation of any dwelling hereby approved.

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

12. Prior to the commencement of the development details of a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. Measures within the approved travel plan shall be implemented in full within an agreed timetable set out in the plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable transport and minimising the impact on local air quality

13. No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (ii) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (iii) The results from the application of an appropriate risk assessment methodology.

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.

14. 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 13, above; has been submitted to and approved by the Local Planning Authority.

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.

15. 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 14 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.

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.

16. Any contamination, other than that reported by virtue of condition 13 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.

17. The occupation of the development authorised by this permission shall not begin until full details (in the form of scaled plans and written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: internal housing layout, roads, footways; cycleways; foul and surface water drainage; visibility splays; parking provision in accordance with adopted standard; loading areas; turning areas.

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

18. The occupation of the development authorised by this permission shall not begin until the main access to the development from Croft Lane has been completed in accordance with the approved in principle drawing number ST-2571-21 Rev A Means of Access Croft Lane Option 7b and ST-2571-22 Swept Path Analysis - Croft Lane - Option 7B and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason: To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience.

19. The occupation of the development authorised by this permission shall not begin until the offsite highway improvement works, as indicated on the drawings numbered ST-2571-21 Rev A Means of Access Croft Lane Option 7b, ST-2571-18 Rev B Croft Lane Access Strategy and ST-2571-22 Swept Path Analysis - Croft Lane - Option 7B, have been undertaken. The "Potential footway and crossing on Norton Road (contribution towards Highway Authority)" presented on the drawing Croft Lane Access Strategy, ST-2571-18-B should be changed to: Provision of footway and signalised pedestrian crossing on Norton Road (the works to be undertaken under s278 works).

These works shall be completed to the satisfaction of the Local Planning Authority and Highway Authority before occupation of the development.

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

20. The occupation of the development authorised by this permission shall not begin until the existing vehicular access to Cashio Lane and the existing access to Croft Lane, which would become redundant but have not been shown on the submitted plans, have been permanently closed and the footways reinstated where necessary to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

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

21. The occupation of the development authorised by this permission shall not begin until the access gradient does not exceed 1:20 for the first 10 meters metres into the site as measured from the near channel edge of the adjacent carriageway.

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

22. The occupation of the development authorised by this permission shall not begin until a scheme for the parking of cycles including details of the design, level and siting of the proposed parking have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

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

23. No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;

- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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).

24. The landscape details to be submitted as reserved matters shall include the following:
- a) which, if any, of the existing vegetation is to be removed and which is to be retained
  - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
  - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
  - d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, D, E and F of Part 1 and Class A of Part 2 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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

26. Prior to the commencement of the development hereby approved in respect means of access, as well as the offsite highway improvement work as indicated on the drawings numbered ST-2571-21 Rev A Means of Access Croft Lane Option 7b, ST-2571-18 Rev B Croft Lane Access Strategy and ST-2571-22 Swept Path Analysis - Croft Lane - Option 7B, full details shall be submitted to and approved in writing by the Local Planning Authority in respect to final details of the works required. The package submitted pursuant to this condition shall include the location, material, section and elevation details where necessary in relation to;
- a) surface materials, with specific reference to the change in surface materials at the access to the site from Croft Lane;
  - b) footpath surface, both at Croft Lane and Cashio Lane;

- c) kerbs;
- d) grass verges;
- e) bollards;
- f) signage (traffic and street);
- g) street lighting within the site;
- h) road markings/painting; and
- i) speed tables and sinusoidal ramps.

The details should draw reference from the sites context and provide a high-quality finish in all instances. The details approved by way of this condition shall subsequently be implemented on and offsite.

Reason: To ensure best efforts are made in terms of fine detailing to preserve the quality of the sites surroundings as a heritage asset.

27. Prior to the commencement of the development hereby approved in respect to means of access, as well as the offsite highway improvement work as indicated on the drawings numbered ST-2571-21 Rev A Means of Access Croft Lane Option 7b, ST-2571-18 Rev B Croft Lane Access Strategy and ST-2571-22 Swept Path Analysis - Croft Lane - Option 7B, details shall be submitted to and approved in writing by the Local Planning Authority in relation to the protection of trees. The details to be submitted pursuant to this condition, in line with any future reserved matters application in relation to landscaping, shall include:

- a) Tree protection measures for those trees within the site to be retained aligned to the latest building standards;
- b) Tree protection measures for those trees outside of the site within Croft Lane Conservation Area aligned to the latest building standards; and
- c) Works methodology and monitoring in respect to both on and offsite trees where works are required within the root protection area of the tree.

The details approved by way of this condition must then be implemented and maintained during the works.

Reason: To ensure that measures are taken to ensure the protection of trees within Croft Lane Conservation Area from required on and offsite works required as a result of this permission.

Proactive Statement:

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

Informative/s:

1. 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 highway works. The construction of highway works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
2. 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/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
3. Within any future reserved matters applications detailing the layout and access details, further details of the circulation route for refuse collection vehicles need to be included. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.
4. In the interests of clarity, please note that the freighter used for any analysis informing future reserved matters applications in respect to bin collections are -
  - o Width: 2,500mm (without mirrors)
  - o Height: 3,400mm (without hazard beacons)
  - o Turning circle: 22,800mm
  - o Overall length: 12,100mm (from front to rear of bin lift)
5. The applicant is hereby notified of the following informative to inform any future reserved matters applications in these respects -

Flats:

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

Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available.

Doors should ideally be keypad entry or standard fire brigade keys. We do not support the use of electronic key fobs.

Roller shutters on bin stores can be considered to save space however the additional noise impacts should be considered.

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

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

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

The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12.

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

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

General:

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

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

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

For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited.



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

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

The gravel drive makes pulling bins difficult and consideration should be given to whether this surface is the most suitable or whether bins stored closer to the collection point would be more preferable.

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

Further advice on waste provision for developments is available on our website. <http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision>

6. 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/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
7. 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/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
8. The applicant is advised that all new highway associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

9. Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost sites. It should follow guidance from the Bat Conservation Trust and CIE 150:2003. Warm-white (long wavelength) lights with UV filters should be fitted as close to the ground as possible. Lighting units should be angled below 70° and equipped with movement sensors, baffles, hoods, louvres and horizontal cut off units at 90°
10. Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.
11. To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. It is also possible to provide enhancements for hedgehogs by making small holes (13cm x 13cm) within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site but will be too small for most pets.
12. Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains unsuitable for amphibians (including Great Crested Newts) to cross

Cleared areas should be maintained to prevent re-colonisation prior to works commencing; and potential hibernacula or refugia such as loose stones or dead wood should be removed by hand.

Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on and if an amphibian (with exception of a Great crested newt) is found, then it should be moved carefully out of harm's way.

Any excavations are backfilled before nightfall or a ramp left to allow trapped animals to escape easily / provided with a means of escape for any animals that may have become trapped - this is particularly important if holes fill with water.

In the unlikely event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist.

13. Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

14. Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at: <http://www.smartwaste.co.uk/> or <http://www.wrap.org.uk/category/sector/waste-management>.

15. It is expected that the scheme to be submitted in line with condition 10 of this permission will provide a significant number of EV charging points. The Council will consider any details submitted on its merits, however, are of the mind that at least one EV charging point should be provided for each dwelling.

16. EV Charging Point Specification:

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

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

- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

- A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>