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| <u>Location:</u>  | Land North of Pound Farm<br>London Road<br>St Ippolyts<br>Hertfordshire<br>SG4 7NE   |
| <u>Applicant:</u> | C/o Agent  |
| <u>Proposal:</u>  | Hybrid application for a residential development to provide a total of up to 84 dwellings together with associated access from London Road, including provision of a roundabout, associated parking, landscaping, open space and ancillary works comprising: Phase 1 - Application for full planning permission for the erection of 36 dwellings; Subsequent Phases - Application for outline planning permission all matters reserved except for access on the remaining part of the site for the erection of up to 48 dwellings. |
| <u>Ref. No:</u>   | 21/00434/HYA   |
| <u>Officer:</u>   | Shaun Greaves  |

**Date of expiry of statutory period: 11 May 2021**

**Extension of statutory period: 18 May 2022**

**Reason for Delay:**

Ongoing delays with the examination of the emerging Local Plan and ongoing negotiations and finalising of a S106 agreement.

**Reason for referral to Committee**

The site area for this application for development exceeds 0.5ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

Members need to be aware that should they be minded to approve the application, this would be a 'resolution for grant' subject to the need to refer the application to the Secretary of State, as the site is within the Green Belt. The Planning Practice guidance informs the following:

'The Town and Country Planning (Consultation) (England) Direction 2021 sets out the applicable criteria and arrangements that must be followed for consulting the Secretary of State once the local planning authority has resolved to grant planning permission for certain types of development that are set out in paragraphs 3-8 of the Direction. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in application under Section 77 of the Town and Country Planning Act 1990. To use the call-in power requires that the decision be taken by the Secretary of State rather than the local planning authority.

Paragraph 3 of the 2021 Direction states:

This Direction shall apply in relation to any application for planning permission “which – (a) is for Green Belt development, development outside Town Centres, World Heritage Site development or flood risk development...”

Paragraph 4 of the 2021 Direction states:

For the purposes of this Direction, “Green Belt development” means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan documents and which consists of or includes –

(a) The provision of a building or buildings where the floor space to be created by the development is 1000 square metres or more; or

(b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

The proposal for residential development of up to 84 dwellings on 3.49 hectares falls within (a) above.

## 1.0 **Site History**

- 1.1 17/02472/1PRE – Residential Development to provide up to 84 dwellings (including affordable housing), public open space, balancing pond, and ancillary works.

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan No. 2 Alterations (Saved Policies)**

Policy 2: Green Belt

Policy 14: Nature Conservation

Policy 16: areas of archaeological significance and other archaeological areas

Policy 26; Housing proposals

Policy 51: Development effects and Planning Gain

Policy 55: Car parking standards

Policy 57: Residential Guidelines and Standards

### 2.2 **National Planning Policy Framework (2021)**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Section 13 – Protecting Green Belt land

Section 14 – Meeting the needs of climate change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

## **2.3 North Hertfordshire District Local Plan 2011 -2031 (Emerging Local Plan)**

Site HT2 – Land north of Pound Farm, Hitchin

Policy SP1: Presumption in favour of sustainable development

Policy SP5: Countryside and Green Belt

Policy SP6 Sustainable Transport

Policy SP7 Infrastructure requirements and developer contributions

Policy SP8 Housing

Policy SP9 Design and Sustainability

Policy SP10 Healthy Communities

Policy SP11 Natural Resources and Sustainability

Policy SP12: Green Infrastructure, biodiversity and landscape

Policy SP13: Historic Environment

Policy D1: Design and sustainability

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy HE1: Designated heritage assets

Policy HE4: Archaeology

Policy D1 Sustainable Design

Policy HS2 Affordable Housing

Policy HS3 Housing mix

Policy HC1 Community facilities

Policy NE1 Landscape

Policy NE2 Green Infrastructure

Policy NEx New and improved open space

Policy NE7 Reducing Flood Risk

Policy NE8 Sustainable Drainage Systems

Policy NE12: Renewable and low carbon energy development

Policy T1 Assessment of Transport matters

Policy T2 Parking

## 2.4 **Supplementary Planning Guidance**

Design SPD

Planning Obligations SPD

Vehicle Parking Provision at New Development SPD 2011

North Hertfordshire and Stevenage Landscape Character Assessment

## 2.5 **Documents supporting the Emerging Local Plan (ELP)**

North Hertfordshire Local Plan 2011-2031 Green Belt Review Update 2018

## 2.6 **Hertfordshire County Council**

Local Transport Plan

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

## 2.7 **National Planning Practice Guidance**

Provides planning guidance on matters including Green Belt, Heritage, Flood Risk, Design and Planning Obligations.

## 3.0 **Representations**

### **Statutory consultees**

### 3.1 **St. Ippolyts Parish Council** – Consider that there are a number of positive aspects to this scheme and support it in principle, and make the following detailed comments:

- No building works should commence until after the emerging Local Plan has been adopted.
- Pleased that the applicant revised the scheme to address the Parish Council's concerns to replace speed cushions with visual road markings and anti-skid coloured surfacing.
- The adjacent Folly Alder Swamp wildlife site should not be disturbed. Once gardens are established these should provide additional wildlife habitats.
- The Council are extremely concerned about the County Council seeking financial contributions to a new 2FE primary school at Highover Farm and that it is important that funding should be available for St. Ippolyts C. E. Primary School.
- The application would provide up to 84 high-quality homes within a sustainable location given their proximity to the centre of Hitchin, close by to a range of shops, services, facilities, and employment opportunities.
- The proposed development will make a significant contribution to the shortfall in housing land supply in the district.
- The new designs include a wide range of houses/types, including smaller 1 bed units suitable for first time buyers and those wishing to downsize, plus a mixture of 2, 3, 4 and 5-bedroom dwellings, meeting identified needs for larger families.
- The development will deliver 33 affordable homes; the 40% provision is in line with the affordable housing target, and, it is understood this has already been agreed as sufficient with the relevant Statutory Consultees.

- Phase 1 will comprise 36 homes of mixed tenure, including 6 shared-equity homes and 15 affordable homes to rent. Critically, the scheme involves the early delivery of public open space within Phase 1.
- The provision of a new roundabout to London Road, serving the development, will have a wider public benefit this was noted in the responses to the applicant's website.
- Additionally, further traffic calming measures will be implemented. Improved visibility at the Mill Lane junction with London Road will be achieved, and a widened footpath along the site frontage to allow 3-metre-wide shared pedestrian/cycle paths is all welcomed.
- The proposal is to include 2 new bus stops on both sides of the London Road outside the site.
- Previously, the Council had published a detailed Questionnaire; in response, 58% of respondents supported the proposed development at site HT2 whilst 31% of respondents said they objected.
- Subject to Section 106 financial contributions being agreed, payments towards local services and infrastructure will help to mitigate the effects of the proposed development.
- The Parish Council will also hopefully receive funding for Section 106 financial contributions towards the rebuilding of St Ippolyts Football Pavilion. The Football Pavilion and Bowls Clubhouse are both in need of replacing. The new residents will benefit from the sporting activities on the Parish recreation ground.

- 3.2 **HCC Highways** – No objection subject to conditions and S106 obligations regarding the monitoring of a travel plan.
- 3.3 **HCC – Growth and Infrastructure** - No objection - The Council adopted new guidance in the form of the 'Guide to Developer Infrastructure Contributions on 19 July 2021. Based upon the proposed housing mix, index linked contributions are sought. Primary Education contribution towards the new 2GE primary school at the Highover Farm, Hitchin Development Site (£859,838). Childcare Service contribution towards the new 2FE primary school at the Highover Farm Hitchin development site (£222,680). Secondary Education contribution of £779,502 towards the expansion of The Priory School. A financial contribution of £87,432 towards Special Educational Needs and Disabilities. Library Service contribution of £8,508 towards increasing capacity of Hitchin Library. Youth Service contribution of £16,408 towards increasing capacity of Hitchin Young People's Centre. Payment of Monitoring Fees.
- 3.4 **HCC Lead Local Flood Authority (LLFA)** – No objection subject to conditions requiring the development to be implemented in accordance with the submitted Flood Risk Assessment and Surface Water Drainage Strategy, the submission and approval of the final design of the drainage scheme for each phase, a complete set of built drawings, a management and maintenance plan and arrangements for adoption and operation of the scheme throughout its lifetime.
- 3.5 **Anglian Water** – No objection subject to conditions.
- 3.6 **HCC Historic Environment Advisor** - The development has the potential to contain archaeological remains and conditions are recommended to address the archaeological implications of the development.
- 3.7 **HCC Minerals and Waste Policy Team** – The site is potentially underlain with sand and gravel deposits – the potential sources are not considered significant and investigating the potential for prior extraction is unnecessary. The opportunistic use of

deposits should they be discovered is encouraged. Due regard to relevant policies of the adopted HCC Waste Core Strategy and Development Management Policies DPD 2012 is also encouraged.

3.8 **HCC – Fire and Rescue Services** – No objection subject to a S106 obligation for the provision of fire hydrants on site.

3.9 **NHDC Transport Officer** – 2 new bus stops should be provided.

3.10 **Hertfordshire Ecology** – No objection. The site is adjacent to Folly Alder Swamp Local Wildlife Site (LWS), and old semi-natural woodland bordering Ippollits Brook. The main green space borders this and should act as a buffer to it. Direct effects on the LWS is not anticipated.

A Landscape and Ecological Management Plan should demonstrate details of species and seed mixes for new native hedges and wildflower grassland and bird and bat boxes. Measures to allow hedgehog movement should be considered and demonstrated in the LEMP. Biodiversity Net Gain is an expectation but is not yet mandatory.

3.11 **Herts and Middlesex Wildlife Trust** – 1<sup>st</sup> comment was to object to the application relating to failure to show 10% net gain in biodiversity and inadequate buffer planting. Additional information was provided by the applicant and in revised comments it is suggested that the shortfall in the required 10% biodiversity net gain may be achieved on-site or off-site and a solution would be to provide NHDC with a payment to deliver habitat units via a S106 agreement.

3.12 **Natural England** – No comments

3.13 **CPRE Hertfordshire (Campaign to Protect Rural England)** – Object for five reasons

- 1) The proposal is in the Green belt where the NPPF requires that land be kept permanently open and inappropriate development should not be approved except in very special circumstances.
- 2) CPRE opposes the removal of land from the Green Belt and very special circumstances have not been established.
- 3) Notwithstanding that the site is allocated as HT2 in the Submission Local Plan – the basis for the calculation of the housing need is challenged.
- 4) It is unacceptable to make decisions on proposed development in the Green Belt prior to adoption of the Local Plan.
- 5) A review of sites allocated for housing should be undertaken, particularly in protected areas and where the Green Belt functions as a gap between settlements, as in this case.

3.14 **NHDC Environmental Health (Contaminated Land and Noise)** – No objection subject to conditions.

3.15 **NHDC Environmental Health (Air Quality)** – No objection subject to conditions relating to Dust Management Plan and EV Charging Points.

3.16 **NHDC – Housing Development Officer** – No objection subject to the provision of 40% affordable housing to comprise 65% affordable rent and 35% shared ownership.

**3.17 NHDC – Transport Policy Officer –**

**3.18 Herts Constabulary (Crime Prevention Design Advisor) – No comment received**

**3.19 Neighbour and Local Resident Representations**

3.19.1 The application has been advertised by neighbour notification letters, the display of site notices and a press notices.

There have been 81 objections and 3 comments.

The objections and the issues raised are summarised as follows:

**3.19.2 Green Belt**

- Loss of Green Belt Land, which would conflict with Green Belt Policy to prevent urban sprawl and keep land permanently open.
- Exceptional circumstances do not exist.
- There is no legal justification for development of this Green Belt land.
- The development would effectively join St Ippolyts village to Hitchin.
- The proposal will set a precedent for building on other Green Belt sites.
- There are empty properties in Hitchin that should be developed for housing rather than building on green fields.

**3.19.3 Infrastructure and Services**

- Pressure on local services such as health services and schools.
- St Ippolyts Primary School cannot be extended
- The proposal would increase pressure on local infrastructure, which is inadequate.
- Concern about the cumulative impact of this development and other local developments on the local environment, infrastructure and road safety.

**3.19.4 Highways, access and parking**

- The proposal would increase traffic on London Road and impact highway safety.
- There is no safe exit from Mill Lane onto London road for vehicles, pedestrians and cyclists. London Road suffers from speeding traffic.
- The proposed roundabout would be in the wrong place and should be at the junction with Mill Lane.
- The onsite parking would be inadequate for residents.
- Future occupiers would be reliant on the private car as facilities from this site would not be accessible by foot or cycle and public transport is limited. Access should be provided between Sycamore Close and Turfmead for cyclists and pedestrians.
- An increase in pedestrians using local footpaths will be dangerous. The sharing of footpaths with cyclists is unsound.
- Increased danger to children walking to school.
- Concern about the impacts of the development during construction on road safety.
- The scheme does not address the need for improved footpaths/pedestrian safety other than along the frontage of the development.
- Proposed cycle and bin storage has not been included and should be shown.
- Car charging points will need to be upgraded.
- The proposed garages should be a minimum of 3 x 7m internally.

### 3.19.5 Impacts on Amenity

- Plots 26-27 would affect outlook and light over a neighbouring property.
- The proposal would increase light pollution.
- The proposal would result in adverse Impacts on amenity, including health and wellbeing.
- There should be a strong low maintenance barrier between the proposal and adjacent housing development to limit overlooking.
- Additional air and noise pollution and carbon emissions from increased traffic. There would be resulting detrimental effect on health.
- The proposed pathway leading to the existing right of way will encourage gatherings and noise in addition to existing privacy issues due to people gathering on the existing grass embankments.

### 3.19.6 Impact upon the character and appearance of the area

- Adverse impact on the character and appearance of the area and surrounding landscape.
- The proposed housing would not be in keeping with local houses and flats would not be appropriate on this site.
- The proposed density would be too high – the proposal would constitute over development of the site with inadequate green space within the development, one small square would be insufficient.
- 2 ½ storey dwellings are not in keeping with the area.
- Flats are not suitable for a semi-rural area.

### 3.19.7 Impact on nature and wildlife

- Adverse impact on local wildlife and biodiversity.

### 3.19.8 Other matters

- The site is within the floodplain. There have been historic problems with flooding along the adjacent brook and the proposed development would increase the risk of flooding.
- The development would not relate to local need but what the developer wants.
- The proposed houses would not be affordable.
- The proposal would result in the loss of agricultural land.
- These houses should be built on previously developed land in the north of England.
- The housing need for the district is less than originally predicted. The application is premature as the new local plan that allocates the site for housing has not been adopted.

### 3.19.9 Some residents have raised neutral and supporting comments summarised as follows:

- Inclusion of the roundabout in the scheme is welcomed.
- Wish to see traffic calming measures and adequate cycling and pedestrian provision.



- This site has been earmarked for some time as being suitable to provide new housing to meet the District's needs.
- It is expected that on the adoption of the Local Plan the site will be removed from the Green Belt and no building works should commence until after the Local Plan has been adopted but support the grant of an earlier phased planning permission in accordance with the submitted plans.
- Support the removal of speed cushions on London Road from the scheme and better to paint lines and provide a roundabout to slow traffic.
- Concerned to ensure that the adjacent wildlife sites are not disturbed by the proposed addition planting and landscaping will provide extra new wildlife habitats.
- The site is located in an area least at risk of flooding and the proposed drainage strategy should be sufficient to mitigate the impact of the development.

3.19.10 The supporting comments identifying positive aspects to the development are:

- Providing up to 84 high quality homes within a sustainable location given their proximity to the centre of Hitchin, close by to a range of shops, services, facilities and employment opportunities.
- The proposed development will make a significant contribution to the shortfall in housing land supply in the District.
- The designs include a wide range of house types including smaller 1 bed units suitable for first time buyers and those wishing to downsize and to meet the needs of a variety of families.
- The development will deliver 33 affordable homes.
- The development would provide early delivery of public open space and children's play space within phase 1.
- The provision of a new roundabout to London Road will have a wider public benefit.
- Further traffic calming measures will improve visibility at the junction of Mill Lane and the widened footpath/cycle path along the site frontage is welcomed.
- St. Ippolyts Parish Council published a detailed Questionnaire and 58% of respondents supported the proposed development at this HT2 site with 31% objecting.
- Payments towards local services and infrastructure will help mitigate the effects of the proposed development.
- St Ippolyts Parish Council will also receive contributions towards rebuilding of St Ippolyts Football Pavilion.

#### 4.0 **Planning Considerations**

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

4.1.1 The application site extends to about 3.48 hectares and is a single field to the south-eastern edge of Hitchin and about 400m to the north of St. Ippolyts. The site is bounded to the west by the B656 London Road. There is a small housing estate to the north accessed by a roundabout at the junction of London Road and Broadmeadow Ride. There is woodland to the east, within which there is a pond and Ippollitts Brook. To the south there is Pound Farm, which is a grade II listed building and associated dwellings converted or styled on agricultural buildings. There are residential properties on the opposite side of London Road, to the north west of the site.

4.1.2 There are hedgerows with trees along the eastern and southern boundaries and sparse vegetation along the western boundary with London Road. There is a post and wire fence along the northern boundary beyond which there is a landscape corridor and footpath separating the site from the 1980s Ash/Lark Drive estate to the north.

4.1.3 The application site lies within the Green Belt and St. Ippolyts Parish. The site is allocated for housing within the emerging local plan for 84 dwellings (Site HT2).

4.1.4 The site slopes down gently to the east towards the adjacent woodland,

## **4.2 The Proposal**

4.2.1 This hybrid application seeks planning permission for up to 84 dwellings and comprises an application for full planning permission for 36 dwellings and an application for outline planning permission for up to an additional 48 homes, with associated car parking, bin storage, landscaping and infrastructure.

4.2.2 The application is supported by the following documents:

- Planning Application Drawings
- Draft S106 Heads of Terms
- Design and Access Statement
- Statement of Community Involvement
- Archaeological Assessment
- Landscape and Visual Impact Assessment
- Geo-environmental Assessment/Land Contamination Assessment
- Heritage Assessment
- Landscaping Proposals for Phase 1
- Tree Survey
- Arboricultural Report
- Flood Risk Assessment
- Drainage Assessment
- Transport Assessment
- Travel Plan
- Ecology Surveys and Preliminary Ecological Appraisal
- Noise Assessment
- Air Quality Assessment
- Energy Assessment

4.2.3 The total number of dwellings proposed is in accordance with the dwelling estimate of 84 for the site allocation HT2 in the emerging Local Plan. The application was the subject of pre-application consultation by the applicant with officers and with the local community including St. Ippolyts Parish Council. At that stage the Parish Council raised concerns relating to a proposed priority junction with London Road, and favoured a roundabout. This matter was the subject of further consultation with the local community and a majority favoured a roundabout. The applicant amended the scheme to include a compact roundabout at the junction of London Road with the proposed development in response to the pre-application comments received.

4.2.4 From the proposed roundabout, a primary road will lead eastwards from the site, passing through a proposed central square and leading to secondary streets, which in

turn would lead to tertiary streets. Open space, a play area and a dry drainage pond would be towards the lower eastern end of the site.

4.2.5 Traditional house styles and materials are proposed, with a combination of brick, render and weatherboarding proposed to the external walls and both tiles and slate proposed to clad the roof surfaces.

4.2.6 There would be a mix of house types and sizes as set out in the table below. As indicated previously this is a hybrid application that seeks full planning permission for 36 dwellings and outline planning permission for the remainder up to a maximum of 84 dwellings. The tables below identify the housing mix.

Table 1 – Phase 1 (full permission) – proposed housing mix by size

| <b>Bedrooms</b> | <b>Number</b> |
|-----------------|---------------|
| 1               | 8             |
| 2               | 7             |
| 3               | 14            |
| 4               | 7             |
| <b>Total</b>    | <b>36</b>     |

Table 2 – Illustrative masterplan - mix for the whole site (indicative only)

| <b>Bedrooms</b> | <b>Number</b> |
|-----------------|---------------|
| 1               | 8             |
| 2               | 15            |
| 3               | 31            |
| 4               | 24            |
| 5               | 6             |
| <b>Total</b>    | <b>84</b>     |

4.2.7 A tenure mix is proposed that provides for 40% affordable housing.

### 4.3 **Keys Issues**

4.3.1 The key issues for consideration of this full application for planning permission are:

- Policy background and the principle of development in the Green Belt;
- Whether the development would be inappropriate in the Green Belt;
- Impact upon openness and the purposes of including land within the Green Belt
- Any other harm:
  - Prematurity
  - Impact upon heritage assets
  - Impact of the development upon the character and appearance of the area
  - Impact of the proposed development on the local highway network
  - Other impacts and environmental considerations.
- Whether very special circumstances are required and exist.

### **Policy background and the principle of development in the Green Belt**

- 4.3.2 The site lies within the open countryside within the Green Belt and therefore Saved Policy 2 of the District Plan applies, which states:

*“In the Green Belt, as shown on the Proposals Map, the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions and changes of use of buildings and land which are appropriate in the Green Belt, and which would not result in significant visual impact.”*

- 4.3.3 This policy is consistent with the approach to Green Belt in National Policy as set out at Section 13 of the National Planning Policy Framework (NPPF). Paragraph 137 of the NPPF confirms that the Government attaches great importance to Green Belts, where the fundamental aim of policy is to prevent urban sprawl by keeping land permanently open.
- 4.3.4 The Green Belt serves five purposes, these are set out at paragraph 138 of the NPPF and are:
- (a) To check the unrestricted sprawl of large built-up areas;
  - (b) To prevent neighbouring towns merging into one another;
  - (c) To assist in safeguarding the countryside from encroachment ;
  - (d) To preserve the setting and special character of historic towns; and
  - (e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

### **Inappropriate development in the Green Belt**

- 4.3.5 Paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal does not fall within any of the exceptions to this approach to development in the Green Belt as set out at paragraphs 149 and 150 of the NPPF. The applicant accepts that the proposed development is inappropriate in the Green Belt but considers that there are material considerations in this case that constitute very special circumstances. Paragraph 148 of the NPPF stipulates that substantial weight must be given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt and any other harm resulting from the proposal, is clearly outweighed by other considerations. Before considering whether very special circumstances exist the harm to openness and purposes of the Green Belt are considered.

### **Openness and purposes of the Green Belt**

- 4.3.6 The fundamental aim of the Green Belt and Green Belt Policy is to prevent urban sprawl by keeping the Green Belt permanently open and that the essential characteristics of Green Belts are their openness and permanence.
- 4.3.7 One of the main considerations in this assessment is how built-up the Green Belt is now and how built-up it would be if the proposed development occurs. The existing site comprises an arable field with hedgerows. The land is devoid of buildings.
- 4.3.8 The proposed development of up to 84 dwellings would result in built form in terms of residential development and associated infrastructure. There would be significant

spatial impact upon the openness of the Green Belt because of the number and scale of dwellings proposed. The North Hertfordshire Green Belt Review 2018 assesses the site as making a high contribution to the physical openness of the Green Belt.

- 4.3.9 The National Planning Practice Guidance and recent case law confirm that there is not only a spatial dimension to openness but a visual one. In terms of case law, the Supreme Court has recently clarified that assessment of visual openness is not required as a matter of law but may be considered as a matter of planning judgement. The northern part of the site is close to existing built development and the eastern part of the site is lower within the landscape and screened by woodland to the east, where there would be slightly less visual impact upon openness. There is residential development to the north west on the opposite side of London Road from the application site and a cluster of dwellings at Pound Farm to the south. The character of the site and the immediate area is that of urban fringe.
- 4.3.10 The appeal site is relatively well-contained within the landscape and would not be prominent from wider views. Therefore, in terms of the visual dimension of openness the effect would be localised in views from adjacent land including London Road and adjacent housing. The contribution of the site in terms of the visual openness of the Green Belt is assessed as low/mixed in the Green Belt Review Update 2018.
- 4.3.11 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application which confirms the edge of settlement setting and that significant woodland areas and planting belts in the immediate surroundings, along with the low-lying position of the site within the landscape, reduce the sensitivity of the site as there are no long-distance views. The effect of the proposed development upon the character and appearance of the area and the landscape is considered in more detail later in this report. However, in terms of the effect of the proposed development upon openness in respect of its visual dimension it is considered that this ranges from moderate to significant in the LVIA. There is a footpath to the north and London Road is to the west, which offer public views of the site. There are also private views from adjacent residential development. The proposed development would significantly alter the currently open character and appearance of the site from nearby public and private vantage points.
- 4.3.12 Therefore, the proposed development would result in harm to the openness of the Green Belt in terms of both its spatial and visual aspects and paragraph 148 of the NPPF confirms that any harm to the Green Belt attracts substantial weight.

#### Purposes of the Green Belt

- 4.3.13 Paragraph 138 of the NPPF identifies five purposes of the Green Belt, these are:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.3.14 In terms of the purposes of the Green Belt, the site is proposed to be removed from within the Green Belt in the emerging local plan and is allocated for housing as part of the housing land provision within the emerging Local Plan. As part of the evidence

base for the Local Plan, the North Hertfordshire Green Belt Review 2016 (NHGBR) divides the Green Belt into areas for assessment of the contribution at respective parcels of land make to the openness and purposes of the Green Belt.

- 4.3.15 The evidence base for the emerging Local Plan (ELP) includes the Green Belt Review Update (GBRU) (ref ED161) which considers the prospective impact of the proposed allocation on the purposes and openness of the Green Belt. Regarding site allocation HT2, the GBRU finds overall that the site makes a 'moderate' contribution to the purposes of the Green Belt. In terms of the individual purposes of the Green Belt the site (ref: 98) is found to have limited contribution to purpose (d) and moderate contribution to other purposes.
- 4.3.16 Therefore, the site has been assessed against the purposes of the Green Belt within the GBRU. The overall effect upon the five purposes is moderate in the light of that assessment. Concerns have been raised that the proposed development would lead to a coalescence of Hitchin with St. Ippolyts. However, officers consider that this would not be the case as open fields would remain between the site and the village.

#### Any other harm

- 4.3.17 Under the provisions of paragraph 148 of the NPPF, any other harm resulting from the proposal should be taken into account, very special circumstances will not exist unless other considerations clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The Courts have confirmed "any other harm" to mean any harm relevant for planning purposes, which can include factors unrelated to the Green Belt in the planning balance, such as heritage harm or harm to highway safety. Having assessed the harm to the Green Belt, outlined above, this report will now go through each of the key material considerations applicable to this proposal to identify and attribute weight to any other harm which may arise from the proposed development.

#### **Prematurity**

- 4.3.18 The allocation of this site in the ELP is discussed later in this report. In terms of prematurity, paragraph 50 of the NPPF confirms that *"refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination... Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process."*
- 4.3.19 It is your officers' view that the scheme is relatively small in terms of the housing land requirement in the ELP and whilst this would make a significant contribution to the local housing land supply, it would be a modest extension to Hitchin. The proposal would not be of a scale to undermine the ELP and the plan making process.
- 4.3.20 Moreover, in a recent appeal decision for 167 dwellings at Heath Lane, Codicote (APP/X1925/W/21/3273701), the Inspector in considering a site within the Green Belt allocated for housing in the ELP found that there was no basis for refusing permission on grounds of prematurity for that site.
- 4.3.21 It is also worth drawing attention to the current housing land supply of 1.47 years, which is a significant shortfall on the minimum 5-years supply required by the NPPF.

4.3.22 In addition, in January 2022, the Government released the latest Housing Delivery Test results for local authorities. This is a measure of new homes built in the preceding three years against either Local Plan targets (where these are adopted and up to date) or the Government's 'standard method' figures for new homes. The latest results state that North Hertfordshire delivered just under half of the number of new homes required (49%). This is a similar result and position to the previous Housing Delivery Test results.

4.3.23 In the light of the above considerations, it is considered that it would not be reasonable to refuse this application on prematurity grounds. A refusal could not be substantiated at an appeal, and the Council would risk an award of costs, as occurred in respect of the appeal at Heath Lane, Codicote.

**Impact on heritage assets, taking account of the proposed design, character and appearance of the proposed development**

4.3.24 Saved Local Plan Policy 57 (Residential guidelines and standards) states that each housing site is unique and requires that the character of each new development relates to that site's physical shape and existing features, and the character of the surroundings whether urban or rural. Policy D1 of the ELP states that planning permission will be granted if development proposals respond positively to the site's local character, among other things.

4.3.25 Whilst the site lies within St. Ippolyts parish, it is detached from the village and adjoins the urban edge of Hitchin. The site comprises a single agricultural field with a 1980s residential estate immediately to the north. It forms part of the urban to rural transition on the edge of Hitchin. It is a relatively level site that slopes gently down from London Road to the west, to woodland to the east. The impacts of the development on the wider surrounding landscape are considered in the next section of this report. The application is accompanied by a Design and Access Statement (DAS) which sets out an assessment of the character of the area, site opportunities and constraints, and the design process. The applicant entered pre-application consultation with officers.

4.3.26 ELP Policy HT2 requires, amongst other things, the retention and reinforcement of planting along the southern and eastern boundaries to ensure integrity of the revised Green Belt and sensitive design towards the south-west of the site and in areas viewed from Mill Lane to minimise harm to heritage assets.

4.3.27 The proposed development would be laid out in housing blocks, with higher density to the centre of the site centred on an open square and lower density to the east. There would be peripheral landscaping, mostly to the east adjacent to the existing woodland, where there would be a play area and dry SuDS feature. It is considered that the retention of existing boundary landscaping and the proposed soft landscaping would help to soften the appearance of the housing development and assimilate it with its surroundings and assist in creating a new urban edge to Hitchin with the countryside.

4.3.28 The overall density of the proposed development of around 21 dwellings per hectare is a low density for housing but reflects the relatively low density of housing on the adjacent housing estate, and the open space that would be provided within the development. It is considered therefore an appropriate density for this edge of town location. The proposed development would have street lighting. However, there is

street lighting to the adjacent housing development, which would be a backdrop to the proposal, and the detailed design of lighting and light emissions can be adequately controlled by condition.

- 4.3.29 The proposed development, including the proposed landscaping and green spaces together with the layout and design would achieve a sense of place and character, in keeping with its urban edge character, through a mix of housing types and styles. To the south west, the design and materials including weatherboarding would reflect the character of the adjacent barns style dwellings. To the centre of the site and along the main spine road, the use of terraced form to some dwellings and traditional design and materials would reflect a village centre character.
- 4.3.30 Overall, the proposal would deliver a high-quality housing development that responds to local character and would accord with saved LP Policy 57, and ELP Policies D1 and HT2.

#### Impact on Heritage Assets

- 4.3.31 Policy SP13: Historic Environment of the ELP requires the Council to balance the need for growth with the proper protection and enhancement of the historic environment. ELP Policy HE1 requires planning applications to be accompanied by a Heritage Assessment and allows development that would lead to less than substantial harm to the significance of designated heritage assets where the harm is outweighed by the public benefits of the development. Policy HT2 requests sensitive design towards the south-west of the site and in areas viewed from Mill Lane to minimise harm to heritage assets. The policy therefore presumes that there would be harm from housing development on this site on the setting of Pound Farm, which is a Grade II listed building.
- 4.3.32 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard must be given by the decision maker to the desirability of preserving or enhancing listed buildings and their setting.
- 4.3.33 Paragraph 194 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including contribution made to their setting. The level of detail should be proportionate to the asset's importance. The NPPF goes on to state at paragraph 195 that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
- 4.3.34 A Heritage Statement by Heritage Collective accompanies the application which identifies the heritage assets and the effect of the proposed development upon significance. It confirms that the application site does not contain any designated heritage assets. St Ippolyts village and its conservation area are located to the south of the site. Topography, buildings, and landscaping limit intervisibility with the conservation area.
- 4.3.35 Pound Farmhouse was listed Grade II in 1987 and has an early to mid-19th century front elevation to a possibly older building. It is built of red brick with a steep red tile roof. Other listed buildings in the study area are also identified but their setting would be unaffected by the proposed development.



- 4.3.36 The urbanisation of the application site will affect the wider rural setting of the listed building. This would be mitigated by the design of the proposed development including landscaping. There would nevertheless be minor harm to significance to the listed building through development within its setting, given the approaches to the listed building would be affected, at the low end of the spectrum of less than substantial harm. Accordingly, this equates to other harm in terms of Green Belt Policy and paragraph 202 of the Framework is engaged which requires the harm to be weighed against the public benefits of the proposal. There are several planning benefits, and a weighing exercise will be undertaken later in this report in considering whether the material considerations that weigh in favour of the proposal constitute very special circumstances that clearly outweighs the harm to the Green Belt by reason of inappropriateness and any other harm.
- 4.3.37 In addition, the site has the capacity to contain archaeological remains. ELP Policy HE3 addresses non-designated heritage assets and indicates that planning permission for a proposal that would result in harm to non-designated heritage assets will only be granted where a balanced judgement has been made to assess the scale of harm. In terms of archaeology, ELP Policy HE4 sets out the circumstances where development proposals affecting heritage assets with archaeological interest will be granted, and this includes the submission of a desk-based assessment, demonstration of how archaeological remains will be preserved and the use of appropriate conditions. An Archaeological Desk Based assessment by HCUK Group accompanies the application. This assessment confirms that the site has the potential to have archaeological remains, this potential is low in respect of Pre-historic, Roman and Early Medieval periods and low to medium for remains from the Medieval, Post-medieval and Modern periods. It is considered that this is a material consideration in the planning balance that can be adequately addressed by planning conditions.

#### **Impact on the wider landscape setting**

- 4.3.38 With regard to landscape and wider visual impacts the application site is a relatively flat field that slopes down gently to the east. There is woodland to the east and the site is low-lying. A Landscape and Visual Impact Assessment accompanies the application, which assesses the landscape setting and views, the effect of the proposed development on the landscape, and visual effects. It considers the immediate impact of the development and longer-term impact following mitigation. A methodology is applied that identifies viewpoints of the site within the landscape and sets out visual sensitivity, magnitude of change and scale of visual effect.
- 4.3.39 Due to topography and vegetation, the landscape and visual effects of the proposed development are localised. There would be some local viewpoints of the site, such as from the footpath that runs along the London Road site frontage where visual sensitivity is considered to be high, the magnitude of change is considered to be high, and the scale of visual effect is therefore considered to be high.
- 4.3.40 Overall, however, given the localised impact of the development on the landscape and visual amenity, along with proposed mitigating landscaping, it is considered that the proposal would have limited harm to the character and appearance of the area, and moderate weight is attached to that harm in the planning balance.

## **Impact on the Highway Network, Access and Parking**

- 4.3.41 A Transport Assessment and Travel Plan accompany the application, which address the three key transport tests identified in the NPPF, which are summarised as: whether a suitable access will be provided, the opportunities for sustainable travel and traffic impacts.

### Access

- 4.3.42 A Road Safety Audit of the proposed roundabout site access has been undertaken and is attached as an appendix to the submitted Transport Statement.
- 4.3.43 Access to the site from London Road was originally proposed prior to the application as a priority junction, and traffic calming measures in the form of speed cushions along London Road where also originally proposed. However, as a result of pre-application community consultation, a compact roundabout is now proposed at the junction of the site with London Road and speed cushions have been removed from the proposal. The scheme has been amended to replace the speed cushions with visual narrowing achieved by road markings and anti-skid coloured surfacing. It is also proposed to provide bus stops with shelters to both sides of London Road to the front of the application site.
- 4.3.44 It is proposed to widen the roadside pavement to provide 3m wide shared cyclist footways along the frontage of the. Whilst an objector to the scheme asserts that this widening should extend along a longer stretch of London Road, such a requirement would not be reasonable and would not meet the tests for a planning condition or a planning obligation.
- 4.3.45 The installation of a compact roundabout on London Road along with the proposed traffic calming will encourage drivers to keep their speeds low and alert drivers of their approach to a built-up area.
- 4.3.46 Full permission is sought for the main spine road through the development, which would have a width of 5.5m with 2m wide footways to both sides of the carriageway that would line to the roundabout arm onto London Road.
- 4.3.47 Concerns have been raised relating to the volume of construction traffic and therefore a condition requiring the submission of a Construction Traffic Plan is recommended to ensure control over this matter.
- 4.3.48 Concerns have also raised by residents relating to the junction of Mill Lane, and that the new roundabout should be at the junction with Mill Lane. However, improvements are proposed at the junction of Mill Lane, and the traffic calming measures including the proposed roundabout would improve highway safety at the junction of Mill Lane and London Road.

### Parking

- 4.3.49 Whilst full planning permission is sought for 36 of the up to 84 dwellings proposed, details of parking provision for the whole site are provided in the submitted Transport Statement. The adopted parking standard is a minimum of 1 parking space for a studio flat/1 bed flat, and 2 parking spaces for a 2 bed and 3 + bed unit, plus between 0.25 and 0.75 visitor parking space per dwelling. It is proposed to provide 0.5 visitor parking spaces per dwelling, a total of 42 visitor spaces, which is an appropriate level for this

location, in combination with a Travel Plan, upgrading of existing footway along the London Road frontage, and provision of cycle storage facilities to encourage the use of more sustainable modes of transport than the private car. The proposed car parking provision as detailed in the Transport Statement would meet adopted parking standards.

- 4.3.50 Adopted Vehicle Parking Standards indicate that garages should be 3m wide by 7m deep to be counted as a parking space. This allows for parking of a car and storage. Whilst the proposed garages would be only 6.43m deep, separate storage sheds are proposed for the storage of cycles. Therefore, in the circumstances it is considered that the proposed garage would be of a sufficient depth to park a car. Vehicle tracking has been undertaken in the Transport Statement based upon an estate car.
- 4.3.51 Secure cycle parking and EV charging points are proposed and planning conditions are recommended to control these matters.

#### Traffic Impacts

- 4.3.52 The applicant has been in consultation with and has agreed the highway capacity assessments with the Highway Authority, who consider that the traffic movements and peak traffic generation from the proposed development would have an acceptable impact on the local highway network.

#### Sustainable Travel Opportunities

- 4.3.53 The submitted Transport Assessment identifies existing walking, cycling and public transport network in the vicinity of the site. Bus stops to both sides of London Road would be provided which would improve sustainable transport opportunities.
- 4.3.54 An in-principle Framework Travel Plan has been submitted with the application, which contains a range of short, medium and long-term actions to increase the use of sustainable modes of travel and reduce the use of single-occupant vehicles.
- 4.3.55 The Highway Authority has raised no objections to the proposal and recommends conditions and informatives be attached to any permission. A financial contribution of £6000 to the County Council has been requested to cover their costs of administering and monitoring the objectives of the Travel Plan and engaging in any review. This matter is addressed further later in this report when addressing the S106 agreement.

#### Conclusion on Highway Matters

- 4.3.56 The Highway Authority consider that the impact of the proposed development on the local highway network would be acceptable subject to mitigation secured through planning conditions, and S106 obligations relating to contributions towards securing and monitoring a Full Travel Plan. It is considered that there would be no harm to highway safety. There would be benefits beyond meeting the needs of the development from the proposed roundabout and improving the junction of Mill Lane and London Road and on balance this would lead to moderate highway safety benefits.

### **Environmental considerations**

#### Drainage and Flooding

- 4.3.57 Policy HT2 of the ELP requires that the proposal addresses the existing surface water flood risk issues through SUDs or other appropriate solution, that there be no

residential development within Flood Zone 2 and that an appropriate buffer zone is maintained from Ippollitts Brook at the south east of the site. Policy NE7 of the ELP addresses reducing flood risk and states that *“Planning permission for development proposals will be granted provided that (b) a FRA has been prepared in accordance with national guidance that considers the lifetime of the development, climate change impacts and safe access and egress.* Concerns have been raised by residents relating to flood risk.

- 4.3.58 The application is accompanied by a Flood Risk Assessment and Surface Water Drainage Strategy. This has been amended and expanded upon to address the comments of the LLFA who following these amendments raise no objections in principle subject to conditions requiring that the drainage strategy be carried out in full, and that drainage be managed and maintained for the life of the development.
- 4.3.59 The drainage strategy would employ a combination of permeable paving, tanking and attenuation pond that has been designed to accommodate surface water flows for up to a 1 in 100-year flood event, plus 40%.
- 4.3.60 The drainage of this site should address the impacts of the proposed development, and subject to the conditions improve the existing drainage and reduced flood risk on this site and the immediate vicinity. As such a drainage strategy is necessary to address the impacts of the development this would be a benefit to which limited weight should be attributed, nevertheless this is a benefit that would arise from the scheme and therefore weighs in favour in the planning balance.

#### Ecology

- 4.3.61 The biodiversity impacts arising from the development will also need to be considered. The application is accompanied by an Ecological Appraisal. There is restricted wildlife interest on this single arable field. A Biodiversity Net Gain Metric has been submitted that identifies a net gain in biodiversity of about 1%. Policy NEx of the ELP requires biodiversity net gain. Therefore, the proposed development is policy compliant in this regard and Hertfordshire Ecology raise no objections accordingly. The Hertfordshire Wildlife Trusts (HWT) originally objected to the proposal on the basis that more buffer planting should be provided and 10% net gain in biodiversity be achieved. Clarification was provided by the applicant relating to existing and proposed planting to the east of the site and this has been accepted by HWT. Whilst Officers consider that there is no current policy requirement for 10% biodiversity net gain and the proposal would comply with ELP Policy NEx, the applicants have offered a financial contribution towards the enhancement of biodiversity off-site. The proposed development would deliver net gains, as required by policy and therefore this matter weighs in favour of the proposed development, to which moderate weight is attributed in the planning balance.

#### Land Contamination

- 4.3.62 A Geo-environmental Ground Investigation Report accompanies the application to identify possible areas of contamination and provide an assessment of potential ground related development constraints. Having considered the report, the NHDC Environmental Health Officer has advised as follows

*“The Report is appropriate and considered to be satisfactory; the Report may be Approved.*

*No elevated levels of soil contaminants were found (Section 5.3 and Appendix VI) therefore no remediation works are required.*

*With regard to ground gas (Section 5.6 and Appendix VII), gas protection measures were found to be required. These are a gas protection membrane and sub floor voids as per BRE414 and ventilation of one volume per 24 hours."*

- 5.4.63 A condition is recommended to ensure that the required gas protection measures are properly implemented. This matter should be attributed neutral weight in the planning balance.

#### Air Quality

- 5.4.64 Paragraph 105 of the NPPF confirms that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. The NPPF goes on to require, amongst other things, that planning decisions sustain and contribute towards compliance with relevant limit values of national objectives for pollutants and opportunities are identified to improve air quality or mitigate impacts.
- 5.4.65 The Council's approach and guidance to matters of air quality is outlined in the 'North Herts Air Quality Planning Guidance (October 2018). An Air Quality Assessment, as well as a Transport Assessment and Travel Plan have been submitted with the application, which have been assessed by the Council's Environmental Health Officer who advises that *"The impact of dust to nearby residential properties during the construction phase has been identified as requiring mitigation measures to prevent soiling of the local neighbourhood. The report identifies a set of mitigation measures designed to control the risk of adverse effects from dust to a level categorised as not significant. The mitigation measures proposed within the Air Quality Assessment are those recommended by the IAQM as appropriate to a construction site with medium risks. The mitigation measures include the proposal for the development of a dust management plan, to be approved by the Local Authority. " It is recommended that a Dust management Plan be submitted to the Council for approval, in advance of the proposed works commencing. This could be required as part of a Development Management Plan.*
- 5.4.66 Regarding the submitted Travel Plan the Environmental Protection Officer recommends that the targets within the final Travel Plan are agreed with Hertfordshire County Council and are monitored and report on and reviewed throughout the 5-year period of the Travel Plan. Mitigation measures will also be required including installation of an agreed number of charging points and a condition is recommended to address this. It is considered that this is a neutral matter in the planning balance.

#### Noise

- 5.4.67 The application is accompanied by an Acoustic Design Statement, which has been assessed by the Council's Environmental Health Officer. Regarding Phase 1 of the proposed development which includes dwellings close to the frontage with London Road, Noise mitigation in the form of glazing and acoustic trickle vents will be required to achieve required internal noise standards; for external garden areas some areas will require 2-metre-high fences. A condition is recommended in respect of the full planning permission (phase 1) requiring a scheme to protect future occupiers from road

traffic noise based upon the findings in the submitted Acoustic Design Statement. With the proposed condition it is considered that this matter should be attributed neutral weight in the planning balance.

#### Impact on residential amenity

- 5.4.68 Concern has been raised by residents living nearby to the proposed development with regard to loss of light and overshadowing. Local Plan Policy 57 sets out guidance and standards to protect living conditions of neighbours. Policy D3 of the ELP confirms that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions, and where there would be harm the Council should consider mitigation measures that can be taken to mitigate the harm. A Sunlight & Daylight Report was submitted in support of the application which considers the impacts of the proposed development on the neighbouring properties of 4 Ash Drive and 8 Larch Avenue. The findings show that there would be no significant harm due to loss of light and overshadowing.
- 5.4.69 Full planning permission is sought for phase 1 of the development, whereas matters such as layout and scale are reserved for later approval for phases 2 and 3. With regard to the proposed development, buildings would be visible from nearby residential properties, that currently look over an agricultural field. However, it is considered that there would be sufficient distance between existing nearby buildings and the proposed development for which full permission is sought that there would be not be significant harmful impact upon living conditions due to loss of outlook, privacy and overshadowing.
- 5.4.70 There would be some impacts in terms noise and disturbance during the construction of the development, but these effects could be mitigated by conditions. On balance, it is considered that the proposed development would cause very limited harm to residential amenity.

#### Loss of agricultural land

- 5.4.71 The proposal would result in the loss of agricultural land. Paragraph 174(b) of the Framework states that decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. land (defined as land in Grades 1, 2 and 3a). The harm arising from the loss of agricultural land is a further factor to be considered.
- 5.4.72 The Natural England classification Maps show the land around Hitchin to fall within the good-moderate category. The site does contain some of the best and most versatile grade of agricultural land, which would be lost, and this is a minor adverse impact of the proposal that attracts limited weight.

#### Carbon Emissions

- 5.4.73 A Travel Plan accompanies the application in respect of transport matters, and this is addressed in considering highway matters. An Energy Statement accompanies the application this indicates that the energy and carbon policy requirements are proposed to be met using both fabric improvements and utilisation of air heat source pumps for heating of the dwellings and that the proposal would achieve a reduction in Dwelling

Emissions Rates 33% better than Building Regulations baseline. The carbon emissions from the development have been adequately addressed and therefore this is considered to be a matter to which neutral weight should be attributed in the planning balance.

#### Summary on Environmental Considerations

- 5.4.74 As outlined above, it is considered that the proposed development would have either moderate benefit (ecology), limited benefit (drainage) or a neutral effect, (land contamination; air quality; noise); or a small adverse impact (residential amenity in the short term; loss of agricultural land). Therefore, it is acknowledged that there would be some disturbance to neighbouring properties during the construction phase and there would be a short-term loss and disturbance to ecology and wildlife, at least until mitigation and replacement planting was established. In addition, whilst the land is not the highest quality, it would at least result in the loss of some agricultural land. As such, in the overall planning balance, the proposals cause a small level of environmental harm to which I attribute limited weight.

#### **Whether the development would represent a sustainable form of development**

- 5.4.75 A matter to consider in all applications for planning permission is whether the proposed development would represent a sustainable form of development. The NPPF confirms that all three objectives of the planning system would be met. These are economic, social and environmental.
- 5.4.76 In terms of the economic objective the development would provide homes that would support economic growth and productivity. The construction of the development and on-going maintenance of it would result in construction jobs and employment in the service sector. The fitting out and furnishing of the homes would also generate economic activity and jobs. Future occupiers would purchase local goods and services, boosting the local economy and helping to sustain the vitality and viability of local shops and services.
- 5.4.77 In terms of the social objective, several community benefits would accrue from this development. First, it would provide valuable housing, including a high percentage of affordable housing that meets local housing need, in a district that is suffering from a lack of housing supply and resultant affordability gap. A range of house types and tenures would assist in meeting this need.
- 5.4.78 Secondly, the proposal would deliver a high-quality residential development. The development would be well connected to the existing community of Hitchin and St. Ippolyts and by public transport to larger towns. As such the development would provide access to the social, recreational and cultural facilities and services that the community needs. The proposal would achieve a well-designed sense of place and make effective use of land. The development would be in accordance with sections 8, 11 and 12 of the Framework.
- 5.4.79 In terms of the environmental objective, it has been concluded above that the proposed development would likely result in some harm to the character and appearance of the landscape in the short term, however there would not be harm to the wider landscape setting and harm would be reduced in the longer term, as structural planting matures. Regarding biodiversity, whilst there would be limited harm in the short term during the construction process, in the longer term the proposed development would result in a

small net gain in biodiversity on site and increased gains off-site, through a s106 contribution towards a local ecology project. The agricultural land is necessary to achieve the District's housing need which cannot be met within existing urban areas. The site is not isolated in terms of transport with the site accessible by public transport and local services can be reached on foot and by cycling in accordance with Local Transport Plan objectives and Section 9 of the Framework.

#### Summary on sustainability

- 5.4.80 In conclusion on this matter, it is considered that the proposals would be a sustainable form of development and would comply with national and local planning policy and guidance.

#### **Whether there would be Very Special Circumstances**

- 5.4.81 As set out earlier in this report, the proposed development would be inappropriate development in the Green Belt and there would be other harms including harm to the openness of the Green Belt and its purposes. Paragraph 148 of the Framework states *"when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."* The applicant considers that there are considerations that clearly outweigh the harm arising from inappropriate development and any other harm that amounts to 'very special circumstances'.

#### The delivery of market and affordable housing

- 5.4.82 The proposal would contribute 84 dwellings towards housing land supply. There is currently a substantial shortfall in housing land supply of only 1.47 years against an expectation of at least five years supply.
- 5.4.83 In responding to the pressing housing situation, a Housing Delivery Test Action Plan has been adopted by the Council. This recognises that housing sites currently within the Green Belt that are allocated in the ELP will remain subject to the test of very special circumstances (VSC). However, it proposes that it may now be appropriate to determine some sites in advance of the examination process being concluded.

#### Affordable Housing

- 5.4.84 There is also a pressing need for affordable housing and Policy HS2 of ELP requires 40% affordable housing on sites over 25 units to address that need. The proposal would deliver 84 dwellings, 40% of which would be affordable. This would provide for 65% rented tenure and 35% intermediate tenure and at a mix that meets the requirements of ELP Policy HS3 including the housing need identified in the Strategic Housing Market Assessment.

#### First Homes

- 5.4.85 The Government announced last year a new affordable housing product called 'First Homes'. These are discounted market sale housing. The introduction of First Homes was subject to a series of transitional arrangements. Some of these key transitional arrangements expired on 28 March 2022. At the time First Homes were announced it had been anticipated that a decision on adoption of the Council's new Local Plan would have taken place prior to the expiration of the transitional arrangements. However, it is now necessary to consider interim arrangements. National policy requiring the



inclusion of First Homes is a material planning consideration on all applications where affordable units are sought.

5.4.86 Prior to the adoption of the ELP, officers recommend that any request to include First Homes as part of the affordable housing mix is considered on its merits on a case-by-case basis. The provision of First Homes will be supported where it would not adversely impact upon:

- the overall proportion of affordable housing that can be achieved on site having regard to the targets in Policy HS2 of the emerging Local Plan and saved Policy 29a of the 1996 District Local Plan;
- the proportion of rented housing that can be achieved on site having regard to the emerging Local Plan requirement for 65% of affordable homes to be rented;
- the mix of rented housing indicated as being required by the Council's Strategic Housing Market Assessment; and
- any other policy requirements or contributions that have been properly tested through the Local Plan examination.

5.4.87 The Applicant has indicated that the provision of First Homes on this scheme would have significant implications on the proposed affordable housing and its mix, which has been agreed with NHDC officers following extensive discussions. There would be implications on the viability of the scheme, which would ultimately affect the quantum of affordable housing that can be offered. The Applicant is not convinced that providing First Homes here, taking into account the price cap of £250k, would serve to provide a mix of affordable housing that is better suited to meeting the needs of the area when compared to the mix that has been proposed, and would not be willing to include First Homes in this scheme.

5.4.88 In the circumstances, officers consider that it would not be appropriate to include First Homes within the housing mix for this proposal and that the affordable housing mix proposed would reflect local housing need.

#### Allocation within the Emerging Local Plan

5.4.89 The Council's emerging Local Plan (ELP) was submitted for Examination in 2017. This is ongoing. Hearings have been completed and the Inspector's report is awaited. The site benefits from a proposed allocation under Policy HT2 for an estimated 84 dwellings and the ELP proposes the whole site be removed from the Green Belt for development and incorporated within the settlement boundary for Hitchin. This policy also contains detailed policy criteria for consideration in the determination of any relevant applications for planning permission.

5.4.90 Paragraph 48 of the NPPF provides advice on weight to relevant policies in emerging local plans according 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 Framework.

5.4.91 Regarding the above, the ELP is well advanced. Whilst it is still at examination all hearings have taken place and consultations carried out on the further Main Modifications. The Council's Green Belt evidence was subject to further examination

sessions although the overall assessments of the contribution of this land to Green Belt purpose have not altered over the course of the examination.

- 5.4.92 Moreover, at the conclusion of the hearings in November and December 2020, the Inspector held a public 'wash-up' session with the Council to discuss the matters arising and next steps. The Inspector stated that moving forward the Council could expect one of two things to happen; either to receive a letter setting out any fundamental concerns or going out for further consultation on further modifications. The Inspector undertook to write to the Council raising concerns by the end of January 2021 at the latest. The Inspector was clear that any further main modifications would be those that he considered necessary for the soundness of the Plan and that he would not allow modifications with which he was not happy to be consulted upon.
- 5.4.93 The Inspector issued Further Main Modifications and consultation on these were completed in July 2021. The Inspector is currently reviewing responses and the Inspector's Final Report is now awaited.
- 5.4.94 The Further Main Modifications did not propose altering or removing allocation HT2 therefore Officers consider that it is highly likely that this allocation will remain, and the land removed from the Green Belt, when it is eventually presented for adoption.
- 5.4.95 In terms of criterion (c) of paragraph 48, several main modifications arising from the examination are to ensure consistency within the NPPF.
- 5.4.96 Therefore, Officers consider that in the light of the above significant weight should be given to relevant policies in the ELP including Policy HT2, which allocates the application site for housing and removes the site from the Green Belt. It is considered that significant weight should be given to this matter in the planning balance.

#### Conclusion on Market and Affordable Housing

- 5.4.97 There is clearly an urgent need to identify land in the District for market and affordable housing and the position is serious given the housing land supply and delivery shortfall. In the circumstances, it is considered that very substantial weight should be given to the considerable housing benefits of the proposed development, which includes ELP compliant affordable housing contribution of 40%.

#### Additional Community Benefits

- 5.4.98 Addressing the impact of the development on facilities and infrastructure would be neutral in the planning balance and would not contribute to the case of 'very special circumstances' (VSC). Nevertheless, it is considered that there are some benefits arising from the development that weight in favour of the proposal and contribute towards the VSC case.
- 5.4.99 The scheme does not necessitate a roundabout to enable safe access to the site. However, at the request of the Parish Council a roundabout is proposed. This would provide some additional benefits by slowing traffic down along this stretch of London Road, with the highway safety and pollution benefits that would arise from this.

#### Economic Benefits

- 5.4.100 Paragraph 81 of the NPPF stipulates that significant weight should be placed on the need to support economic growth and productivity. This is particularly relevant during the ongoing COVID-19 pandemic and other pressures on the economy. There will be

considerable economic benefits derived from the construction of the site. There will be employment for construction workers and resulting direct and indirect benefits to the local economy. There will also be economic benefits arising from the fitting out and furnishing of the new homes. There would also be ongoing benefits from the spending of future occupiers. Given the scale of the proposed development it is considered that significant weight should be given to this in the planning balance.

5.4.101 Below is a table setting out the harms and benefits that would arise and the weight that Officers consider should be attributed to them in the planning balance.

| <b>Issue</b>  | <b>Harm or Benefit</b>       | <b>Weight</b>    |
|---|------------------------------|------------------|
| Inappropriate development in the Green belt                       | Harm                         | Substantial      |
| Green Belt Openness   | Harm                         | Significant      |
| Green Belt Purposes   | Harm                         | Moderate         |
| Character and appearance  | Harm                         | Moderate         |
| Heritage  | Harm (Less than substantial) | Great            |
| Impact on residential amenity                                     | Harm                         | Very limited     |
| Loss of agricultural land   | Harm                         | Limited          |
| Delivery of market housing  | Benefit                      | Very substantial |
| Delivery of affordable housing                                    | Benefit                      | Very substantial |
| Allocation for housing in the ELP and removal from the Green Belt | Benefit                      | Significant      |
| Biodiversity  | Benefit                      | Moderate         |
| Economic impact   | Benefit                      | Significant      |
| Highway Safety  | Benefit                      | Moderate         |
| Open Space  | Benefit                      | Moderate         |
| Flood Risk/Drainage   | Benefit                      | Limited          |
| Land Contamination  | Neutral                      | Neutral          |
| Noise   | Neutral                      | Neutral          |
| Air Quality   | Neutral                      | Neutral          |
| Carbon Emissions  | Neutral                      | Neutral          |

5.4.102 The benefits of this proposal and the weight attributed to these will be set against the harm outlined earlier in this report, in the 'conclusion and planning balance' section below. This will assess whether very special circumstances exist necessary to justify the grant of planning permission.

## Planning Obligations

5.4.103 In considering Planning Obligations relating to this proposed development. The Community Infrastructure Regulations and Paragraph 57 of the Framework set out statutory and policy tests. These are:

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

5.4.104 Detailed negotiations have taken place with the applicant and agreement reached on a range of matters that are included in a draft S106 agreement. These include the provision of affordable housing, contributions to open space and a pavilion, and financial contributions towards education. St. Ippolyts Parish Council are seeking financial contributions towards construction of a replacement football pavilion with adjoining bowls club house. The Parish Council have confirmed that existing buildings are in need of replacing and new residents of the proposed development would benefit from the sporting activities on the Parish recreation ground.

All of the S106 obligations are listed in the table below.

| Element  | Detail and Justification   |
|--|--|
| Affordable Housing (NHDC)                      | On site provision of affordable dwellings based upon 65% rented tenure and 35% intermediate tenure (unit of mixed size)<br><br>NHDC Planning Obligations Supplementary Planning Document<br>Submission Local Plan Policy HS2: Affordable Housing |
| Primary Education (HCC)                        | Contribution of £859,838 towards the new 2FE primary school at the Highover Farm, Hitchin development site   |
| Childcare Service (HCC)                        | Contribution of £222,680 towards the new 2FE primary school at Highover Farm, Hitchin development site   |
| Secondary Education (HCC)                      | Contribution of £779,502 towards the expansion of The Priory School  |
| Special Education Needs and Disabilities (HCC) | Contribution of £87,432 towards new East Server Learning Difficulty School   |
| Library Service (HCC)                          | Contribution of £8,508 towards increasing capacity at Hitchin Library  |
| Youth Service                                  | Contribution of £16,408 towards increasing capacity at Hitchin Young People's Centre   |
| Open Space Contribution (NHDC)                 | Contribution of £32,320 towards off-site improvement of open space and associated facilities within the Parish of St. Ippolyts   |
| Pitch Sports Contribution (NHDC)               | Contribution of £30,176.34 towards the replacement of the existing changing rooms at Waterdell Lane Recreation Ground  |
| Ecological Off-site compensation scheme (NHDC) | Contribution of £15,000 towards an off-site local ecology/biodiversity project at Walsworth Common, Hitchin  |

|  |   |
|--|---|
| Waste Collection and Recycling                               | <p>Contribution based on NHDC Planning Obligations SPD (figures are before indexing)</p> <p>£71 per house<br/>£54 per flat with its own self-contained garden<br/>£26 per flat with shared or no amenity space</p> <p>Policy SP7 'Infrastructure requirements and developer contributions</p> <p>Planning Obligations SPD</p> |
| Open Space/landscape management and maintenance arrangements | Provision for the long term maintenance of the open space/landscape buffer and any SuDs infrastructure  |
| Fire Hydrants (HCC)  | <p>Provision within the site in accordance with standard wording</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>  |

5.4.105 The Planning Obligations meet the relevant tests. Some of the provisions of the S106 agreement are designed to mitigate the impact of the development and are neutral in the planning balance. However, other provisions such as affordable housing meet an identified housing need and weighs very substantially in favour of the proposed development. Further, contributions such as the open space contribution and sports pitch contribution will assist in delivery of a new sports pavilion, which has been subject to a request for contributions from St Ippolyts Parish Council, with the amount based upon the Council's Planning Obligations SPD. Whilst this contribution would mitigate the impact of the development, there would also be a wider public benefit as residents beyond those living at the proposed development site would benefit and make use of the new and improved facility. These matters therefore weigh in favour of the proposed development.

5.4.106 St. Ippolyts Parish Council raised concerns relating the HCC seeking contributions from this development towards the new 2FE primary school at Highover Farm, as it is on the opposite side of Hitchin from the application site. Officers raised this matter with HCC who state:

*"Having undertaken further work, and more recent work, HCC has identified a need to deliver the new on-site 2FE primary school at Highover Farm as a priority, in advance of other primary education projects. Therefore, in the first instance, primary education contributions from all developments coming forward within the Hitchin Primary Pupil Planning Area (PPA) are being sought towards the new school at Highover Farm to ensure it is fully funded and delivered when required. It is important to note that despite its geographical proximity to St Ippolyts, the Pound Farm development is within the Hitchin PPA. An alternative strategy, which doesn't prioritise S106 financial contributions going to the new primary school on the Highover Farm development,*

*could result in that project being underfunded and undeliverable resulting in future developments not having sufficient mitigation.*

*It is understood that there are concerns with regard to the distance between the Highover Farm new school and the Pound Farm development. HCC has a duty to ensure sufficient school places are available to meet the needs of its communities and therefore needs to ensure appropriate education infrastructure mitigation is provided on time to meet additional demand arising from new housing growth.*

*In addition to mitigating the on-site impact of the development, the new primary school at Highover Farm is providing additional provision to mitigate the overall impact of proposed development across the town. This strategic infrastructure solution is providing additional town-wide capacity which will result in a 'cascade' effect in which it will free up capacity in other schools between Pound Farm and Highover Farm new school and ultimately result in additional spare capacity in primary schools closer to the Pound Farm development site (which the children from Pound Farm are most likely to attend).*

*It is also understood that the Pound Farm development is situated relatively close to St Ippolyts and therefore close to the St Ippolyts Primary school for which an expansion project is already proposed. However, the expansion of St Ippolyts school is only a 0.3FE expansion. Existing planning applications in the village of St Ippolyts already take up the significant majority this future expansion capacity. This leaves insufficient capacity to mitigate the majority of pupil yield arising from the Pound Farm development. Pound Farm, as previously mentioned, also finds itself within the Hitchin PPA therefore is included within Hitchin's education planning. The remaining spare capacity at the St Ippolyts primary school expansion is able to be used for other future developments within St Ippolyts."*

### **Planning Balance and Conclusion**

- 5.4.107 Regarding the overall planning balance, the proposal is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt to which significant weight should be attributed as required by the Framework. The proposals would introduce 84 dwellings and associated infrastructure onto currently undeveloped land which would result in harm to the openness of the Green Belt, and this is attributed significant weight. There would be moderate harm to the purposes of the Green Belt.
- 5.4.108 There would be moderate harm overall to the character and appearance of the area.
- 5.4.109 There would be limited harm to heritage significance at the lower most end of the spectrum of less than substantial harm because of development within the setting of Grade II listed Pound Farmhouse. Whilst great weight is to be given to that limited harm, the public benefits of the proposal would clearly outweigh the less than substantial harm. This matter would not represent justification for refusal of planning permission in the light of the provisions of Paragraph 202 of the Framework and S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, in considering whether there are very special circumstances, this limited harm should be given great weight in the overall planning balance.
- 5.4.110 It is considered that there would not be severe impacts on the local highway network, indeed there would be highway safety benefits resulting from the proposed roundabout and traffic calming measures. In addition, the proposals would include significant

mitigation measures, some of which weigh in favour of the proposed development, as well as mitigating impacts. However, it is acknowledged that there would be some increased traffic that would add to existing congestion experienced in Hitchin particularly along London Road during peak times.

5.4.111 Lastly, in terms of 'other harm' there would also be some limited harm in the short-term relating to disturbance to neighbouring properties in the vicinity during construction works. There would also be limited harm in the short term to ecology and biodiversity until mitigation is established, although there would be net gain in the longer term.

5.4.112 Therefore, the additional environmental harm, to which weight has been attributed needs to be weighed in the balance against the matters which are considered in favour of the proposals and the aspects of the proposals which would result in wider benefits.

5.4.113 To reiterate, paragraph 148 of the NPPF states the following:

*“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.”*

5.4.114 Other considerations include those that have been afforded very substantial, significant, moderate or other weight, and these relate to benefits arising from the supply of housing on this allocated site within the ELP, net gains in biodiversity, open space contributions and highway benefits. There are also other matters that are neutral in the planning balance.

5.4.115 When taken together it is considered that the other considerations in this case clearly outweigh the harm that has been identified to the Green Belt, character and appearance, residential amenity and heritage and very special circumstances exist to justify the development in the Green Belt as required by paragraphs 147 and 148 of the Framework.

5.4.116 As it is considered that very special circumstances apply in this case, regard should be given to the provisions of paragraph 11 (d) of the NPPF and the tilted balance. This stipulates where the local planning authority cannot demonstrate a five year supply of deliverable housing sites the policies for which are most important for determining this application are out-of-date, unless the application of policies in the NPPF that protect areas or assets of particular importance (such as heritage assets and Green Belt) provides a clear reason for refusing the proposed development; or 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. It is considered that the assets of particular importance (heritage assets and Green Belt) do not provide a clear reason for refusing the development, and any adverse impact of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. Therefore, the development would accord with the NPPF and the development plan taken as a whole, and this points towards the grant of planning permission.

## **6.0 Climate Change mitigation measures**

6.1 This application is accompanied by a 'Sustainability and Energy Statement' by Abbey Consultants dated February 2021.

6.2 There are several matters of note in seeking to mitigate climate change and whilst many of these have already been discussed in this report, these are summarised below:

- Each dwelling with a dedicated and adjacent parking space will include an Electric Vehicle charging point (and the apartments will EV charging points).

Bus stops and shelters would be provided in the vicinity of the site on London Road.

- All dwellings to be provided with secure cycle storage (details to be required via condition).

- The implementation of the submitted Travel Plan, seeking incentives to reduce use of the private car and push towards more sustainable modes of travel.

- Biodiversity net-gain on site and contributions towards additional net-gains off-site.

- The submission of a 'Landscape and Ecology masterplan' in order to implement and maintain the on-site landscaping and ecology benefits.

- A recommended condition will require that a Site Waste management plan be submitted prior to commencement, in order to reduce waste both during and after construction;

6.3 The Sustainability and Energy Statement outlines that:

- The fabric standards of the buildings exceed the requirements of the Building Regulations and emissions are reduced from the maximum permitted by Part L by 74,806 kg CO<sub>2</sub> per year, which equates to a reduction of 33.11%.

- Reduction in carbon dioxide emissions compared to the maximum permissible by the Building Regulations (Part L) through energy efficiency measures saving 360493 kWh/year.

- The water use to each unit will achieve the enhanced standard required by the Building Regulations of 110 litres per person per day.

- 100% of domestic fixed internal lighting to be energy efficient.

- The completed building fabric is to achieve air leakage rates of no greater than 4m<sup>3</sup>/hr/m<sup>2</sup> for all units.

- Sanitary fittings will be selected that minimise the consumption of mains water and all dwellings will achieve a water efficiency target of 110 l/p/d

- The surface water disposal strategy proposes a range of sustainable urban drainage (SuDs) techniques including the use of permeable paving, geocellular storage, oversized pipework, swales and filter drainage

- Passive solar gain - The energy required for space heating and lighting can be reduced by using the orientation, form and fenestration to make the most use of passive solar gain, whilst limiting summer overheating.

## 7.0 **Pre-Commencement Conditions**

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

## 8.0 **Legal Implications**



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

9.0 **Recommendation**

- 9.1 That planning permission is resolved to be **GRANTED** subject to referral to the Secretary of State for Levelling Up Housing and Communities, and subject to the following:

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

The following conditions and informatives:

**Time Limit - detailed**

1. Detailed permission only

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

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

**Development in accordance with plans - detailed**

Detailed permission only

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

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

**Landscaping - detailed**

Detailed permission only

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

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

**Materials**

Detailed permission only

4. Prior to construction above damp-proof course of the development hereby approved, a schedule of materials to be used on all external elevations and the roofs of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

#### Noise Mitigation

Detailed permission only

5. No development shall take place before a scheme, based on the findings in "Acoustic Design Statement, Land North of Pound Farm", Report reference JAJ11562-REPT-01-R2, dated 5/2/21 by RPS, to protect future occupiers of the dwellings from road traffic noise has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out as approved prior to the occupation of any residential dwelling and the scheme of measures shall be maintained in accordance with the approved details.

Reason: To protect the residential amenities of future residents.

6. During the construction phases of the development hereby approved no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs. There shall be no work at any time on Sundays and Bank holidays.

Reason: In order to protect the residential amenities of existing neighbouring and future occupiers of the development.

#### Reserved matters submission of details - outline

OUTLINE ONLY

7. Before the development hereby permitted is commenced for phases 2 and 3, approval of the details of the layout, scale and external appearance of the development and the landscaping of the site in relation to those phases (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

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

#### Reserved matters time limit

OUTLINE ONLY

8. Application for approval of the reserved matters for phases 2 and 3 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.

9. Before the detailed scheme hereby approved for phase 1 is first occupied, an application for reserved matters for all subsequent phases, shall be submitted for determination by the local planning authority within the time frame set out in condition 6 (standard outline time limit).

Reason: To support the Governments objective of significantly boosting housing supply by encouraging delivery of emerging local plan allocation HT2, both in a timely fashion and in a manner which will benefit the environmental and social setting of phase 1 hereby approved.

#### Cycle Parking

10. Prior to the first occupation of each phase of the development hereby approved details of siting, number and design of secured/covered cycle parking spaces shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed prior to the occupation of each dwelling and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards and to encourage use of sustainable modes of transport.

#### EV charging points.

11. Prior to occupation, each new dwelling, or accompanying garage, shall incorporate an Electric Vehicle (EV) ready domestic charging point. Visitor or unallocated parking spaces shall be allocated an EV charging point, on the basis of 1 charge point per 10 allocated spaces.

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.

#### Contaminated land

12. No development approved by this permission shall be commenced until a Remediation Method Statement report in respect of gas protection measures detailed in "Geo Environmental Ground Investigation Report" Report reference C2799/P11 Rev B dated 4/2/21 by HSP Consulting Engineers Ltd has been submitted to and approved by the Local Planning Authority.

(a) 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 (a) 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.
- (b) Any contamination 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

#### Drainage

13. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Surface Water Drainage Strategy prepared by SDP Consulting Engineers Job No E08.010 dated November 2021, sixth issue, and the following mitigation measures:
  1. Implementing a drainage strategy based on infiltration and provide appropriate SuDS measures to include permeable surfacing, underground tank, swales and infiltration pond.
  2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

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.

14. No development shall take place for that phase of development until the final design of the drainage scheme for that phases completed and sent to the Local Planning Authority for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment and Surface Water Drainage Strategy prepared by SDP Consulting Engineers Job No E08.010 dated November 2021, sixth issue. The scheme shall include:
  1. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year +40% allowance for climate change event.
  2. Detailed engineered drawings of all aspects of the proposed drainage scheme including the new roundabout.
  3. Demonstrate appropriate SuDS management and treatment (including the access road and roundabout) and inclusion of above ground features such as permeable paving, reducing the requirement for any underground storage.
  4. Silt traps for protection for any residual tanked elements.
  5. Detailed infiltration testing in accordance with BRE Digest 365 at the proposed location and depth of infiltration features, including permeable paving. Where

infiltration is not feasible for the permeable paving it should connect back into the wider site system. All calculations should be based upon updated infiltration tests.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

15. Upon completion of the drainage works for the site in accordance with the timing/phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a complete set of as built drawings for site drainage.
2. A management and maintenance plan for the SuDS features and drainage network.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

16. Prior to the construction above damp-proof course in any particular phase of development, a scheme for on-site foul water drainage works relating to that phase, including connection point and discharge rate for that phase, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding.

### Highways

17. Prior to occupation of any dwellings within the development hereby permitted the proposed roundabout access works shall be provided as identified on the 'in principle' roundabout access arrangement drawing number ITL9262-GA-024 revision L, and shall include proposed additional bus stops that are to be placed along the development's frontage along London Road as part of the application. These will need to be connected to the development's footways and provided with easy access kerbs, real time screens and shelter as appropriate. The exact location of the bus stops and accommodating works such as additional footways, crossing points and markings will need to be agreed in conjunction with appropriate parties. These facilities shall meet appropriate accessibility standards and be constructed in accordance with Roads in Hertfordshire Highway Design Guide or any guidance that supersedes this.

These works shall be secured and undertaken as part of the S278 works with the ultimate design being technically approved prior to commencement on site to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

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

Reason: To ensure satisfactory development and in order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire 'A Guide for new Developments (section 2 part 1 chapter 9 para 9.4) and to further encourage sustainable modes of transport, in accordance with Policies 5 and 22 of the Hertfordshire's Local Transport Plan.

18. Prior to the side roads (offsets from the principal access road) being first brought into use, vehicle visibility splays to both directions shall be provided and permanently maintained as defined in visibility splay drawing (Drawing Number ITL9262-GA-019 revision H), there shall be no obstruction to visibility between 600mm and 2.0 metres above the carriageway level.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4.

19. Prior to use the gradient of the principal access road shall be constructed no steeper than 1 in 20.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4.

20. Prior to occupation of any dwellings within the development for which full planning permission has been granted, the following transport infrastructure shall be constructed in accordance with a detailed scheme to be agreed in writing by the Local Planning Authority in consultation with the Highway Authority.

The provision of a 3.0 metre wide footway/cycleway as identified on site access plan - ITL9262-GA-024 revision L that includes a link to the development along the frontage of the site complete with raised platform across the eastern arm of the roundabout that links the nearest bus stop with the development, all details shall be submitted and approved in writing by the Highway Authority.

These works shall be secured and undertaken as part of the s278 works.

Reason: In order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire: Highway Design Guide 3<sup>rd</sup> Edition, and to further encourage sustainable modes of transport.

21. No development shall commence until a Construction Traffic/Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction Traffic/Environmental Management Plan shall include:

- a. Construction vehicle numbers, type and routing;
- b. Access arrangements to the site;
- c. Measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- d. Screening and hoarding details to protect neighbouring residents;

- e. Traffic management requirements, including the location of traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- f. Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
- g. Siting and details of wheel washing facilities;
- h. Cleaning of site entrances, site tracks and adjacent public highway, including end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- i. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- j. Provision of sufficient on-site parking prior to commencement of construction activities;
- k. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- l. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan and to ensure the correct phasing of development in the interests of minimising disruption to nearby residents during construction, minimising any environmental impacts, in the interests of amenity.

#### Trees and landscaping

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

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

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

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

- 24. Prior to the commencement of any landscaping works with any particular phase, an ecological management plan which details the how ecological units will be delivered within that phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:

- a) aims and objectives of management;

- b) existing and proposed features to be managed, including specific reference to improvements to retained hedgerows;
- c) species composition of habitats to be enhanced and created;
- d) a programme for implementation;
- e) the body or organisation responsible for implementation of the Plan; and
- f) monitoring and remedial measures of the Plan.

The plan shall be implemented in accordance with the approved details and the programme as approved and the measures shall be maintained and retained thereafter.

Reason: To ensure that the agreed landscaping and biodiversity gains are delivered and maintained in the interests of local biodiversity, ecology and the visual amenity of the site.

25. Before commencement of any works on the site, trees to be retained shall be protected in accordance with all of the measures set out in the submitted 'Arboricultural Impact Assessment & Method Statement' by Anna French Associates, Document Number 139-DOC-002, dated 3 June 2019, revision B. In addition, no building materials shall be stacked or mixed within 10 metres of a tree to be retained. No fires shall be lit where flames could extend within 5 metres of the foliage, and no notices shall be attached to trees.

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

#### Permitted development rights

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended the garages approved as part of this permission shall be retained for the parking of vehicles and will not be converted to any other use without first obtaining a specific grant of planning permission from the Local Planning Authority.

Reason: To ensure the retention of adequate parking provision within the site in the interests of highway safety and to retain control over development that would normally be permitted development in the interests of the character and amenities of the area.

#### Archaeology

27. **A** No development shall 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 as suggested by the archaeological evaluation
  - 2. The programme for post investigation assessment
  - 3. Provision to be made for analysis of the site investigation and recording
  - 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation



5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works of the site investigation

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

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

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permission.

#### Lighting

28. No dwelling hereby permitted shall be occupied unless and until an external lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be designed to minimise the potential adverse effects of external lighting on the amenity and biodiversity of the site and its immediate surroundings. The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and local amenity.

#### Energy and Sustainability

29. The development hereby approved shall be constructed in accordance with the submitted Energy Statement by Abbey Consultants February 2021 ref: PA-ES-OH-PF-20-04, unless agreed otherwise in writing by the Local Planning Authority, and the identified measures shall be maintained and retained thereafter.

Reason: In order to provide a sustainable form of development, to reduce the carbon footprint of the development and in order to minimise the impact on Climate Change.

#### **Proactive Statement:**

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

#### **Informatives**

To avoid killing or injuring hedgehogs it is best practice for any longer, ruderal vegetation to be cleared by hand. To avoid creating refugia that may be utilised by hedgehogs, materials should be carefully stored in site on raised pallets and away from the boundary habitats. Piles of materials that could act as refuse for wildlife should be removed as soon

as possible. If left over a period of time, they should be checked for the presence of wildlife prior to moving. Any trenches on site should be covered at night or have mammal ramps to ensure that any animals that enter can safely escape – this is particularly important if holes fill with water. 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.

All works, including vehicle movements, materials and waste should be kept strictly within the application site and under no circumstances should there be any detrimental physical impact to the adjacent Folly Alder Swamp Local Wildlife Site.

Anglian Water has assets close to or crossing the site or there are assets subject to an adoption agreement. Therefore, the site layout should take into account and accommodate those assets within either retrospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or in the case of apparatus under an adoption agreement, liaise with owners of the apparatus. It should be noted that the diversion works should normally be completed before the development can commence.

During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

#### Highway informative

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

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047

**TRAVEL PLAN INFORMATIVE A** Travel Plan (TP) for the development consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote green travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development', which is subject to an overall sum of £6,000 payable before occupation of the development. This 'evaluation and support contribution' is to cover the County Council's costs of administering and monitoring the objectives of the TP and engaging in any TP Review. Indexation of this figure will be based on the Retail Price Index from the date planning is granted to the date the contribution is paid. The applicant's attention is drawn to Hertfordshire County Council's guidance on residential/commercial Travel Plans: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

[management/highways-development-management.aspx#travelplans](#) Our Travel Plan team can provide further advice at [travelplan@hertfordshire.gov.uk](mailto:travelplan@hertfordshire.gov.uk).