

Location:           **Burford Grange  
Bedford Road  
Ickleford  
Hitchin  
Hertfordshire  
SG5 3XG**

Applicant:           \*

Proposal:           **Erection of 48 dwellings with associated access, parking, private and public amenity space and associated works, following demolition of existing buildings (as amended 10th June 2021, additional drainage information on 20 April 2022 and revised off site highway works 16 May 2022)**

Ref. No:             19/01106/FP

Officer:             **Tom Rea**

**Date of expiry of statutory period: 19<sup>th</sup> August 2019**

**Extension of statutory period: 30<sup>th</sup> July 2022**

**Reason for delay:**

Ongoing negotiations, amendments to the proposals and finalising of a Section 106 Agreement

**Reason for referral to Committee**

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

Members should be aware that should they be minded to approve the application, this would be a 'resolution to grant' subject to the need to refer the application to the Secretary of State for Levelling Up, Housing and Communities in accordance with The Town and Country Planning (Consultation) (England) Direction 2021.

1.0 **Site History**

None relevant

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan (Saved Policies)**

Policy 2: Green Belt  
Policy 14: Nature Conservation  
Policy 16: Archaeological Areas of 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

## 2.3 North Hertfordshire District Local Plan 201 – 2031 (Emerging Local Plan)

Site IC2 – Land at Burford Grange  
Policy SP1: Presumption in favour of sustainable development  
Policy SP2: Settlement Hierarchy  
Policy SP5: Countryside and Green Belt  
Policy SP6: Sustainable Transport  
Policy SP7: Infrastructure requirements and developer contributions  
Policy SP8: Housing  
Policy SP9: Design and Sustainability  
Policy SP10: Healthy Communities  
Policy SP11: Natural Resources and Sustainability  
Policy SP12: Green infrastructure, biodiversity and landscape  
Policy D1: Sustainable Design  
Policy D3: Protecting living conditions  
Policy D4: Air Quality  
Policy HS3: Housing mix  
Policy NE1: Landscape  
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  
North Hertfordshire and Stevenage Landscape Character Assessment

## 2.5 Hertfordshire County Council

Local Transport Plan (May 2018)  
Guide to developer infrastructure contributions (July 2021)

## 2.6 Ickleford Parish Council Neighbourhood Plan

The IPCNP Area was designated in September 2014. The Plan is currently in its early consultation stages and as it is not adopted or part of the Development Plan for the district at this stage, does not carry any material weight in the determination of planning applications.

## 3.0 Representations

### 3.1 Statutory consultees:

#### Ickleford Parish Council:

Raises a **strong objection**. Full details of the are set out in the Parish Council's letter on the revised scheme of 7<sup>th</sup> October 2021 and 8<sup>th</sup> December 2021. Comments and objections include the following matters :

- The Land is of good quality grass/grazing and is situated within the Green Belt and should remain as a buffer to prevent the impact of urban sprawl.
- There is insufficient parking, especially for the larger families and visitors, and privacy is lacking for neighbouring properties.
- The Flood Risk and Waste Drainage/Sewerage System direction **are of utmost importance for the protection of neighbouring properties and the whole village.**
- There is serious risk to this area's Ecology, due to the loss of Green Belt and the inevitable pollution both from light and ingress into the rare chalk river. The Environmental report carried out by the developer is inadequate.
- Local Planning Authorities must ensure that there is no net loss in the biodiversity of proposed developments and that habitat connectivity, through wildlife corridors, must be protected. Once destroyed the dependent wildlife do not recover.
- The Travel and Transport Statement shows no consideration to the car driver, the pedestrian, existing local traffic, the restrictions of the Bedford Road, vehicle emissions and more importantly negotiating public transport outside of working hours.
- S106 Monies should be made available to the village and its facilities and school.
- IC2 should not be developed bearing in mind the latest National Statistics projection.
- Concern at encroachment onto land owned by The Paddocks
- **With the future Planning Application of 70 homes being proposed for the 'brown field' site at the Bowmans Flour Mill in Ickleford, this location would have been far more suitable and larger for Local Plan inclusion than IC2 Burford Grange. With the world ecology now in crisis, every effort must be taken to protect small pockets of land, especially if they are already within the Green Belt and sited next to a nature reserve as is the case with IC2. With careful overseeing of this 'brown field' site, encouraging the developers to be carbon neutral to include every form of modern technology available to disperse sewerage, wastewater and runoff water, without having to use natural sources like rivers, it would save the future of sites like IC2**

Police Crime Prevention Design Advisor: supports the application. Recommends advisory if permission is to be granted.

Waste and Recycling: Advises that overall, waste provision and collection looks to be well thought out. Provided detailed advice on bin storage and pull distances.

NHDC Environmental Health officer (contamination):  
Recommends a land contamination condition

NHDC Environmental Health officer (air quality)  
Recommends an Electric Vehicle charging infrastructure condition

NHDC Environmental Health officer (noise)  
Recommends a condition and an informative

NHDC Housing Supply Officer  
Advises that the applicants proposals as revised does not meet the requirements of the housing need identified in the 2016 SHMA update as there is no provision for flats. Comments on various aspects such as spread through out the site, the requirement to meet minimum size standards for bedrooms and parking provision.

HCC Natural and Built Environment (Archaeology)  
Recommends the attachment of archaeological Written Scheme of Investigation conditions should permission be granted.

Hertfordshire Ecology  
No response

NHS East and North Hertfordshire Clinical Care Commission Group  
Requests financial contributions towards General Medical Services (GP provision) and Acute healthcare provision

Natural England  
Has no comments to make on this application. Advises LPA's to obtain specialist ecological advice.

HCC Spatial and Land use team  
Asks the Council to have regard to Minerals and Waste management in determining the application.

UK Power networks:  
No response

Police Architectural Liaison officer  
Requests an Informative that the applicant contact the Police Crime Prevention Design Service to obtain SBD accreditation. Supports the application.

Anglian Water  
Advises that the sewage system at present has available capacity for these flows. On surface water disposal Anglian recommend disposal to a sustainable drainage system (SuDS) with connection to a sewer. Recommends advice is sought from the Lead Local Flood Authority regarding the suitability of surface water management. Recommends informatives with regard to used water network.

HCC Rights of Way Unit :

No response

HCC Growth & Infrastructure:

Seeks financial contributions towards Primary education, Nursery education, Childcare service, Secondary education, Special Educational Needs and Disabilities, Library service and Youth service.

The County Council also seeks the provision of fire hydrants

Lead Local Flood Authority:

Objection raised in revised letter dated 22<sup>nd</sup> March 2022. Provides advice on addressing the concerns.

Hertfordshire Highways:

Amended comments received June 2022: Raise no objections to the proposed development subject to conditions and highway informatives.

Herts and Middx Wildlife Trust

Objection. Biodiversity Net Gain not demonstrated.

Bedfordshire and River Ivel Drainage Board

Advises that the site is outside of the Board's district and therefore has no comments to make.

Environment Agency:

Advises no objections. Provides advice re Environmental Permit

Neighbour and Local Resident Representations :

A total of 22 representations have been received including 10 objections . The full comments can be viewed on the Council's web site. The objections and issues raised include the following matters :

- Concern over ecology, wildlife habitat and environmental issues
- Inadequate ecological survey
- Drainage issue not addressed
- Incomplete tree survey
- Environmental Risk Assessment needed and Air Quality monitoring report
- Concern at Green Belt development / joining Ickleford and Hitchin
- Premature in advance of the adoption of the local plan
- Concern at Traffic impact on Bedford Road
- Detrimental to highway / pedestrian safety
- Concern at housing density / mix and unacceptable design
- Loss of privacy/ boundary issues
- Concern at flood risk prevention measures
- Concern over foul water disposal
- Concern at retaining walls/ loss trees and hedgerows
- Development will overload local infrastructure (e.g. schools)
- Noise and disturbance to residents
- Housing not needed to meet local plan provision due to other windfall / brownfield sites being developed / proposed in the village

Additional comments received in response to the latest amended plans (including pedestrian crossing) :

- Welcome pedestrian crossing but request extension of southern footpath to The Paddocks
- Continuing failure to address wildlife habitat issues
- Continuing failure to address boundary issues

#### 4.0 **Planning Considerations**

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

4.1.1 The application site is a grassed field/paddock located extending to about 2.4 hectares off the A600 Bedford Road. The site currently also contains a large dwelling and outbuildings (Burford Grange). The site lies to the south west of the main part of Ickleford village and just to the north of the current settlement boundary of Hitchin. Residential gardens attached to properties in Westmill Lane adjoin the northern boundary of the site whilst to the south the site adjoins 'The Paddocks' and its residential and paddock curtilage. The River Oughton flows in an west – east direction immediately to the south of 'The Paddocks'. Oughton Head Common and Nature Reserve is located to the south and west of the site.

4.1.2 The whole of the application site lies within the Green Belt and the Parish of Ickleford. The site is allocated for housing within the emerging local plan (eLP) with a dwelling estimate of 40 homes (Site IC2).

4.1.3 The topographical information submitted with the application show a gentle fall in levels from north to south across the site and from east to west. There are a number of trees within the site, predominantly within the residential curtilage of the existing dwelling located towards the Bedford Road frontage.

##### 4.2 **Proposal**

This application seeks full planning permission for 48 dwellings with associated access road including new junction onto the A600, car parking, landscaping and all ancillary works. The proposals also include off site highway works to provide a signalised pedestrian crossing across the A600 and the provision of footpaths on the western side of the A600 north and south of the site with the northern footpath linking to a new northbound bus stop facility.

The application is supported by the following documents:

- Revised Planning Design and Access statement
- Road Safety Audit (Lime Transport May 2022)
- Technical Note (Pedestrian crossing and bus stop provision) (Lime Transport May 2022)
- Flood Risk Assessment (PTA, September 2021)
- Energy Strategy statement
- Ecological Survey and Biodiversity Net Gain assessment
- Archaeological Desk Based Assessment
- Statement of Community Involvement
- Tree Report
- Arboricultural Impact Assessment

- Noise Assessment
- Transport Statement
- Air Quality Assessment
- Design and Access statement

4.2.1 The total number of dwellings at 48 represents a 20% increase (by 8 units) on the dwelling estimate of 40 units in the site allocation in IC2 in the emerging local plan.

4.2.2 The layout of the proposed development is defined by a central access road off the A600 leading to an oval shaped community green space. The majority of the dwellings will front the access road and green. New landscaping is proposed throughout the site and along the site boundaries.

4.2.3 Traditional housing styles and materials are proposed with a combination of brick and weatherboarding. Full details will be secured by planning condition. All of the dwellings including terrace blocks are two storey with traditional eaves height of around 5.5m.

4.2.4 There is proposed to be a mix of house types and sizes as set out below:

1 x 2 bed flat over garage  
 14 x two bedroom houses  
 4 x three bedroom houses  
 21 x four bedroom houses  
 8 x five bedroom houses

There will be 19 affordable housing units (39.6%) and 29 open market units (60.6%). The 29 open market units will consist of:

21 x four bedroom houses  
 8 x five bedroom houses

### 4.3 Key Issues

4.3.1 The key issues for consideration of this application are as follows:

- Policy background and the principle of development in the Green Belt
- Whether the development would be inappropriate in the Green Belt
- Impact on openness and the purposes of including land within the Green Belt
- Any other harm including
  - Prematurity
  - Impact upon heritage assets
  - Impact on the character and appearance of the area
- Living conditions
- Impact on the highway network and access and parking matters
- Environmental considerations
- Sustainability assessment
- Whether there are any Very Special Circumstances
- Planning obligations
- Planning Balance and conclusion

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

4.3.3 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.”*

4.3.4 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.

4.3.5 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.

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

4.3.7 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.

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

4.3.9 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.

- 4.3.10 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 a grassed paddock and domestic curtilage with a single dwelling and outbuildings.
- 4.3.11 The proposed development for 48 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 significant contribution to Green Belt purposes.
- 4.3.12 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 in Westmill Lane and the site forms part of a relatively narrow gap between Westmill Lane and the built up edge of Hitchin located to the south. The eastern part of the site is already partially developed with a dwelling and outbuildings. There is residential development to the north east with the newly completed Jarvis development and a group of dwellings east of Burford Ray bridge along the River Oughton. The A600 Bedford Road is a major road linking Hitchin to Ickleford and northwards to Stondon and Henlow. The character of the site and the immediate area is that of an urban and village fringe location .
- 4.3.13 The application site is relatively well contained within the landscape. There are no public footpaths that run alongside the site. Restricted by-way 001 runs alongside the river Oughton to the south however views out from the bridleway towards the site are restricted by trees. The site frontage would be visible from views along the A600 however this part of the site is already partially developed. There are also private views of the site from properties along Westmill Lane and from 'The Paddocks' to the south. It is clear that the proposed development will significantly alter the currently predominantly open character and appearance of the site as viewed from nearby public and private vantage points.
- 4.3.14 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.
- 4.3.15 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.

- 4.3.16 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.
- 4.3.17 The evidence base for the emerging Local Plan (ELP) includes the Green Belt Review Update 2018 (GBRU) (ref ED161A) which considers the prospective impact of the proposed allocation on the purposes and openness of the Green Belt. Regarding site allocation IC2, 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: 40) is found to have limited contribution to purposes (b) and moderate contributions to (c) and (a). Only (b) is scored as having a significant contribution.
- 4.3.18 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 Ickleford. However, this would not be the case as open land would remain between the southern boundary of the site and the urban edge of Hitchin.

#### 4.3.19 **Any other harm**

- 4.3.20 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.

#### 4.3.21 Prematurity

- 4.3.22 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."*

4.3.23 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 Ickleford which had over 800 dwellings in the Parish as of the 2011 census. The proposal would not be of a scale to undermine the ELP and the plan making process.

4.3.24 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. Furthermore, it is also worth drawing attention to the Council's current housing land supply of 1.47 years which is a significant shortfall on the minimum 5-years supply required by the NPPF.

4.3.25 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.

4.3.26 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.

#### 4.3.27 Impact upon heritage assets

4.3.28 The site is not within or does it adjoin a Conservation Area and there are no nearby listed buildings or scheduled monuments.

4.3.29 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 CgMs Heritage accompanies the application. This assessment confirms that the site has the potential to have archaeological remains, this potential is moderate in respect of the Pre-historic and Roman period and a limited potential for all other periods. It is considered that this is a material consideration in the planning balance that can be adequately addressed by planning conditions. The County Council's Historic Environment Advisor has requested conditions in this case.

#### 4.3.30 Impact on the character and appearance of the area

- 4.3.31 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.
- 4.3.32 Whilst the site lies within Ickleford Parish, it is effectively detached from the main built up part of the village. Development of the site with a relatively low density housing scheme together with open space will have no significant effect on the character of the village itself particularly its historic core. Indeed, the provision of a new area of open space within the site will have some commonality with and complement the existing open spaces in the village such as The Green and the area around Chambers Lane. The density, scale and form of the development would be similar to more recent developments within the village such as Ickleford Mews.
- 4.3.33 Policy IC2 sets out various criteria for the development of the site including the retention of planting at the south and west of the site to ensure the integrity of the revised Green Belt boundary. The soft landscape proposals (drawings CALA 20697 11B sheets 1 and 2) propose some retention of trees along these boundaries and some removal of existing landscape features however it is not considered that the scheme is sufficient to provide a well landscaped boundary to the site to meet the above criteria. This matter is capable of being dealt with by condition as it would not affect the general layout of the site or position of dwellings as currently proposed.
- 4.3.34 The development would include a landscaped frontage to Bedford Road with built development set well back from the highway boundary in keeping with the existing character. Generally the new dwellings would be inward facing onto the access road and green with gardens to the majority of the dwellings backing onto the site boundaries. This relatively undeveloped periphery between the developed core of the site and the site boundaries consisting mainly of lawns and planting provides an acceptable integration with the adjoining residential gardens and property to the north and south of the site. The more urban characteristics of the development in the form of access roads, street lighting, parking bays and footpaths would be generally limited to internal views but even then mitigated by new street planting and the village green feature.
- 4.3.35 The density of the site would be around 20 dwellings per hectare which is appropriate for this urban / village fringe location and reflects the generally low density of housing in the immediate locality.
- 4.3.36 The development would have a largely localised impact on the existing landscape and visual amenity taking into account existing surrounding development and the existing urbanising impact of the A600 past the site. With the proposed mitigating landscaping it is considered that the proposal would have limited harm to the character and appearance of the area.
- 4.3.37 Overall, the proposal would deliver a high quality housing environment that responds to local character and would accord with saved Policy 57 and eLP policies D1 and IC2.

#### 4.3.38 Living conditions

- 4.3.39 In terms of impact on existing residents the proposed new dwellings would be between 30 and 60 metres from the nearest adjoining dwellings to the north or south of the site. These separation distances together with intervening landscaping and the modest two storey height of the new houses will ensure that there would be no adverse impact on the surrounding occupiers amenity particularly in terms of privacy and light. The orientation of the development to the north of 'The Paddocks' would ensure no undue loss of daylight or sunlight. The properties to the north of the development in Westmill Lane have substantial and long back gardens and as such will also not be affected in terms of daylight or sunlight.
- 4.3.40 There will inevitably be some noise and disturbance during the construction phase of the development however this will be relatively short term and can be managed through planning conditions and informatives including a Construction Traffic Management Plan. The concerns of residents and other parties with regard to the construction phase are acknowledged however any harm would be fairly minor and considered less than substantial in the overall planning balance.
- 4.3.41 In terms of living conditions for the prospective occupiers the key issues are noise, air quality, space standards, amenity space provision and waste and recycling provision. A Noise Assessment has been submitted which identified Bedford Road as the main noise source from road traffic. The noise survey revealed the eastern boundary as being subject to the highest noise levels (between 47dB and 65 dB). The assessment calculated that using standard masonry construction, standard thermal double glazing and trickle ventilation that internal noise levels would comply with the WHO (World Health Organisation) guidelines in the 'worst case' scenarios. With regard to external noise levels the layout of the development has been designed to meet WHO guideline recommendations not exceeding 55dB. Overall, the proposed development is compliant with WHO Guidelines for Community Noise (1999) and therefore the site is suitable for residential development.
- 4.3.42 In terms of air quality an assessment forms part of the submission documents and has regard to ambient air quality legislation and national policy. The assessment methodology included the construction and operational phase. The assessment sets out how the development can mitigate against dust and pollution effects during the construction phase through compliance with the Institute of Air Quality Management guidance. In respect of the operational phase the site is not within an Air Quality Management Area and NHDC Air Quality Planning Guidance suggest the provision of Electric Vehicle charging points for dwellings both unallocated and allocated parking areas. The report concludes that the proposed Burford Grange development does not, in air quality terms, conflict with national or local policies and therefore there are no constraints to the development in the context of air quality.
- 4.3.43 The submitted planning statement confirms that all of the proposed dwellings exceed the minimum internal space standards set out in the 'Technical housing standards - Nationally Described Space Standards' produced by the DCLG in 2015.

4.3.44 The majority of the proposed dwellings comfortably meet the recommended external amenity standards set out in Policy 57 of the Saved local plan. Where there is under provision this is limited to a few dwellings and is slight and more than offset by the nearby community green and access to further open space nearby for example at Oughton Head Common. Open space provision (2,300 sqm) meets the Fields in Trust standard. Refuse and recycling storage provision is indicated for all dwellings within suitable collection distances from the access road.

4.3.45 Taking into account the above factors it is considered that the proposed development will result in satisfactory living conditions for both existing and proposed residents.

#### **4.3.46 Impact on the highway network, access and parking**

4.3.47 The application is accompanied by a Transport Assessment which sets out the highway constraints and associated impacts. Following negotiations, revisions to the scheme including a signalised pedestrian crossing and bus stop on the Bedford Road have been secured.

4.3.48 In terms of traffic generation the proposal will generate up to 32 vehicle movements (two-way) in the AM peak period, up to 36 vehicle movements (two-way) in the PM peak period and 318 vehicle movements (two-way) over a 12 hour day (7am – 7pm). The Highway Authority is satisfied that the existing highway network, including the Turnpike Lane / Bedford Road junction can accommodate these flows without detriment to highway safety.

4.3.49 The Transport assessment takes into account the cumulative impacts of future traffic growth on currently under construction, current planning applications and planned sites in the area as part of the emerging local plan.

4.3.50 In terms of access the main vehicular and pedestrian access has been re-designed to accommodate large refuse vehicles whilst also accommodating pedestrians more safely. The carriageway into the site will be 6m wide reducing to 5m wide within the development.

4.3.51 The internal access road will have footpaths either side until it reaches the community green after which it will be a shared surface. The oval shaped route will allow for refuse vehicles to pass through and leave the site in forward gear without the need to turn.

4.3.52 Following negotiations a key new feature of the development is the proposed improvements to pedestrian and public transport facilities through the provision of a signalised pedestrian crossing across Bedford Road and the provision of a north bound bus stop near the site access. These features considerably improve pedestrian safety and encourage travel by sustainable modes. The detail of the new facilities is shown in the submitted technical note document by Lime Transport dated 19<sup>th</sup> May 2022.

4.3.53 In terms of parking at least two parking spaces will be provide for each unit with several of the larger units having up to four spaces (including garages). Garages are over-sized to meet the current standards (3m x 7m). At least 13 visitor parking spaces are provided off the main access road in various locations through out the site. It is

considered that this level of off-street parking provision is in accordance with current standards and sufficient to meet the parking needs of the development.

4.3.54 The Highway Authority raise no objections to the development and seek conditions and informatives should permission be granted. The Highway Authority state that the presence of the new access, the new bus stop, the signalised crossing and associated highway features will all contribute to a traffic calming effect along this section of the A600 and can reasonably be considered as having a wider public benefit.

4.3.55 Taking into account all of the above, including the conclusions of the highway authority, it is considered that the highway and associated impacts of the development are acceptable. It is also considered that the proposals meet the following two bullet points as a requirement of Policy IC2:

- Provision of a pedestrian crossing point over the A600 to connect to the existing footpath network and ensure safe access;
- Transport Assessment to consider the cumulative impacts of sites IC2, IC3 and LS1 on the junction of the A600 and Turnpike Lane for all users and secure necessary mitigation or improvement measures

#### 4.3.56 **Environmental considerations**

##### 4.3.57 Drainage and flooding

4.3.58 Policy IC2 requires that the proposal addresses existing wastewater infrastructure and provides a detailed drainage strategy. All of the site is within Flood Zone 1 of the Environment Agency's Flood Map within which there is a very low risk of flooding (i.e. less than 1 in 1000 annual probability of river or sea flooding). The river Oughton is 65 m to the south of the site.

4.3.59 The application is accompanied by a Flood Risk Assessment (revised September 2021) and Drainage Strategy layout. It recognises that a small area in the southwest corner of the site is at risk of flooding. The ditch in this location is at a lower level than the proposed houses and hardsurfaces and the FRA concludes that the overall risk of flooding from surface water is very low.

4.3.60 The surface water is to be collected via pipes, gullies and permeable paving and pumped to the east of the site to connect to a surface water drain in Bedford Road. The water will be treated for contaminants before being discharged from the site. Foul water drainage will consist of a pumped system connecting to a public sewer in Bedford Road. The FRA includes a full maintenance strategy and on-going maintenance of the system is to be secured through a management plan clause in the Section 106 Agreement.

4.3.61 Although no objections have been raised by the Environment Agency, the Lead Local Flood Authority have not agreed the Flood Risk Strategy and have requested further information including clarification on the options put forward and confirmation of landowner agreement. Furthermore, the LLFA require further SuDS control measures to deal with surface water attenuation and water quality treatment in line with HCC LLFA Policy 18 of the Local Flood Risk Management Strategy. It is considered that

these issues can be addressed through further technical evidence and detail by the applicants flood and drainage consultants. A suitably worded condition is proposed that would require the final surface water drainage strategy to be submitted to and agreed in writing by the Local Planning Authority. Discussions are on-going between the applicant and the LLFA and Members agreement is sought for officers to conclude this matter with the imposition of appropriately worded conditions.

Overall, the drainage strategy proposed so far and potentially subject to additional conditions, would address the impacts of this proposal in terms of drainage and flooding. There would be a neutral benefit.

#### 4.3.62 Ecology

4.3.63 Policy IC2 requires the following:

- Consider and mitigate against any adverse impacts upon key features of interest of adjoining local wildlife site (Westmill Lane)

In this regard the application is accompanied by an Ecological Appraisal and Biodiversity calculator. The ecological appraisal maps the statutory and non-statutory designated wildlife sites including the Westmill Lane LWS which overlaps part of the site in its north west boundary (10% of the site area). The designation was due to the presence of a bat roost in one of the nearby buildings at Westmill Lane.

4.3.64 The Ecological appraisal includes the results of a preliminary roost inspection and emergence / re-entry survey and a protected species assessment. The assessment makes various recommendations, mitigations and enhancements in respect of protected species. It is considered that the measures proposed are reasonable and can be secured by a planning condition. The report addresses the policy requirements of IC2 in respect of the Westmill Lane LWS.

4.3.65 In respect of bio-diversity net gain the submitted calculations show a net gain in biodiversity of about 3%. Policy NEx of the ELP requires biodiversity net gain. Therefore, the proposed development is policy compliant in this regard. The Hertfordshire Wildlife Trusts (HWT) object on the basis that more buffer planting should be provided and 10% net gain in biodiversity be achieved. Officers consider that there is no current policy requirement for 10% biodiversity net gain and the proposal would comply with ELP Policy NEx.60 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.

#### 4.3.66 Land contamination

4.3.67 The application site is not known for any contamination and is largely undeveloped. The Council's Environmental Health officer has commented that the site has some commercial land use history and therefore requires a land contamination condition as a precautionary approach.

#### 4.3.68 Air Quality and Noise



4.3.69 The submitted air quality and noise reports conclude that the proposed Burford Grange development does not, in air quality or noise impact terms, conflict with national or local policies and therefore there are no constraints to the development in the context of air quality or noise. Conditions are recommended to secure the mitigation measures including the provision of Electric Vehicle charging points.

#### 4.3.70 Carbon emissions

4.3.71 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 35% better than Building Regulations baseline and an overall 20.54% energy demand reduction. 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.

#### 4.3.72 Summary on Environmental considerations

As outlined above, it is considered that the proposed development would have either moderate benefit (ecology), neutral or limited benefit (drainage) or a neutral effect, (land contamination; air quality; noise); or a small adverse impact (residential amenity in the short term). 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. As such, in the overall planning balance, the proposals cause a small level of environmental harm to which limited weight could be attributed.

#### 4.3.73 **Sustainability assessment**

4.3.74 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.

4.3.75 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.

4.3.76 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.

4.3.77 Secondly, the proposal would deliver a high-quality and inclusive residential development. The development would be well connected to the existing community of Hitchin and Ickleford and by public transport to larger towns and settlements. 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.

4.3.78 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. 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

4.3.79 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.

#### 4.3.80 **Whether there are any Very Special Circumstances**

4.3.81 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.”* It is considered that in this case there are considerations that amount to very special circumstances to outweigh the harm to the Green Belt as set out below.

4.3.82 The proposal would deliver 48 dwellings that would contribute towards the Council’s 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. 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. Planning permission has recently been granted for two of these sites (both in the Green Belt) at Pound Farm, London Road, Hitchin and Heath Lane, Codicote.

4.3.83 The site delivers 19 affordable housing units (40% of the total number on site). 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.

- 4.3.84 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 IC2 for an estimated 40 dwellings and the ELP proposes the whole site be removed from the Green Belt for development and incorporated within the settlement boundary for Ickleford. This policy also contains detailed policy criteria for consideration in the determination of any relevant applications for planning permission.
- 4.3.85 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.
- 4.3.86 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
- 4.3.87 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.
- 4.3.88 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.
- 4.3.89 The Further Main Modifications did not propose altering or removing allocation IC2 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.
- 4.3.90 In terms of criterion (b) of paragraph 48 it is however acknowledged that there are still fundamental and formal objections raised to the allocation of IC2 in the emerging local plan, notably from Ickleford Parish Council.
- 4.3.91 In terms of criterion (c) of paragraph 48, several main modifications arising from the examination are to ensure consistency within the NPPF.

- 4.3.92 Therefore, Officer's consider that in the light of the above significant weight should be given to relevant policies in the ELP including Policy IC2, 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.
- 4.3.93 In terms of market and affordable housing, the delivery of the 48 units at IC2 would provide a significant boost to the Council's housing land supply and delivery shortfall. It is considered that substantial weight should be given to the considerable housing benefits of the proposal.
- 4.3.94 There are some additional community benefits associated with this scheme. These have been acknowledged by the Highway authority in their formal comments on the revised scheme. These are the provision of a signalised pedestrian crossing and a new bus stop north of the proposed site access. These are acknowledged as encouraging more sustainable travel to and from the site. In addition, the highway authority consider that the package of highway measures will contribute towards a traffic calming effect to the A600. Although not considered 'very special circumstances' these factors weigh in favour of the proposal and contribute towards the VSC case.
- 4.3.95 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.
- 4.3.96 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.

#### 4.3.97 **Planning Obligations**

- 4.3.98 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.
- 4.3.99 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 play equipment, floodlighting and a river conservation project and financial contributions towards education and other

services provided by the County Council. .All of the S106 obligations are listed in the table below.

<p><b>19/01106/FP</b></p> <p><b>Burford Grange, Bedford Road, Hitchin</b></p>	<p><b>Draft Heads of Terms for Section 106</b></p>
<p><b>Element</b></p>	<p><b>Detail and Justification</b></p>
<p>Primary Education contributions(HCC)</p>	<p>Contribution of <b>£592,101</b> (index linked to BCIS 1Q2020) towards a new school in Ickleford</p> <p>Hertfordshire County Council ‘Guide to Developer Infrastructure Contributions’ ( July 2021)</p> <p>Policy SP7 ‘Infrastructure requirements and developer contributions’</p>
<p>Childcare service (HCC)</p>	<p>Contribution of <b>£156,563</b> (index linked to BCIS 1Q2020) towards childcare provision in the new primary school at Ickleford</p> <p>Hertfordshire County Council ‘Guide to Developer Infrastructure Contributions’ ( July 2021)</p> <p>Policy SP7 ‘Infrastructure requirements and developer contributions’</p>
<p>Secondary Education contributions (HCC)</p>	<p>Contribution of <b>£648,100</b> (index linked to BCIS 1Q2020) towards the expansion of The Priory School, Hitchin</p> <p>Hertfordshire County Council ‘Guide to Developer Infrastructure Contributions’ ( July 2021)</p> <p>Policy SP7 ‘Infrastructure requirements and developer contributions’</p>
<p>Special Education Needs and Disabilities (SEND) (HCC)</p>	<p>Contribution of <b>£58,464</b> (index linked to BCIS 1Q2020) towards the new East Severe Learning Difficulty school</p>
<p>Library Services (HCC)</p>	<p>Contribution of <b>£5,361</b> (index linked to BCIS 1Q2020) towards increasing the capacity of Hitchin Library or its future re-provision</p> <p>Hertfordshire County Council ‘Guide to Developer Infrastructure Contributions’ ( July 2021)</p> <p>Policy SP7 ‘Infrastructure requirements and developer contributions’</p>

<p>Youth Services (HCC)</p>	<p>Contribution of <b>£11,720</b> (index linked to BCIS 1Q2020) towards increasing the capacity of Hitchin Young People's Centre or its future re-provision.</p> <p>Hertfordshire County Council 'Guide to Developer Infrastructure Contributions' ( July 2021)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>
<p>Play Area capacity improvements (Ickleford Parish Council )</p>	<p>Contribution of <b>£10,000</b> (index linked to BCIS 1Q2020) towards play equipment</p> <p>NHDC Emerging Local Plan Policy SP10 'Healthy Communities'</p>
<p>Chalk Stream conservation (Ickleford Parish Council on behalf of River Hiz Conservation Group)</p>	<p>Contribution of <b>£5,000</b> (index linked to BCIS 1Q2020) towards ecology measures within the River Hiz and River Oughton</p> <p>NHDC Emerging Local Plan Policy SP10 'Healthy Communities'</p>
<p>Ickleford Sports and Recreation ground (Ickleford Parish Council )</p>	<p>Contribution of <b>£5,000</b> (index linked to BCIS 1Q2020) towards extra floodlighting at Ickleford Sports and Recreation ground</p> <p>NHDC Emerging Local Plan Policy SP10 'Healthy Communities'</p>
<p>Waste Collection &amp; Recycling (NHDC)</p>	<p>Contribution of <b>£3,408</b> (before indexation) based on NHDC Planning Obligations SPD (@ £71.00 per dwelling)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHDC Planning Obligations SPD</p>
<p>Open space/ landscape management and maintenance arrangements</p>	<p>Private management company to secure the provision and long-term maintenance of the open space/landscape area and any Drainage infrastructure</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>

#### 4.3.100 Planning Balance and Conclusion

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 48 dwellings and associated infrastructure onto currently largely undeveloped land which would result in harm to the openness of the Green Belt, and this is attributed significant weight. There would be significant harm to the purposes of the Green Belt.

4.3.101 There would be moderate harm overall to the character and appearance of the area.

4.3.102 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 signalised pedestrian crossing, new bus stop 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. There would be some increased traffic at peak times in particular however the Highway authority considers that the A600 has capacity to accommodate the additional traffic.

4.3.103 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.

4.3.104 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.

4.3.105 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"*.

4.3.106 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 provision and highway benefits. There are also other matters that are neutral in the planning balance.

4.3.107 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.

4.3.108 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 asset of particular importance (Green Belt) does 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.

#### 5.0 **Pre-commencement Conditions**

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

#### 6.0 **Legal Implications**

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

#### 7.0 **Recommendation**

7.1 That planning permission 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;

B) The resolution of the flood and drainage matters with the imposition of additional planning conditions as necessary and:

c) The following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of 3 years



from the date of this permission.

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

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

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

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

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

4. 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.

5. Before first occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the site access and associated highway works, as shown indicatively on drawing numbers 21/002/011H and 16147.TOP.112.03 (latter plan contained within Lime Transport Technical Note 16/5/2022). These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation of the development. This shall include the permanent provision of the visibility splays as shown on these plans: 2.4m x 52m to the north and 2.4 x 54m to the south, within which there shall be no obstruction to visibility between 600mm and 2 metres above the carriageway level

Reason: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users

6. Before first occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the highway improvement works to A600 Bedford Road, as shown indicatively on drawing numbers 21/002/011H and 16147.TOP.112.03 (latter plan contained within Lime Transport Technical Note 16/5/2022). This includes:

- o The provision of a new northbound bus stop (and footway to it from the site access), to include raised Kassel kerbing, a Real Time Information display, and a shelter.
  - o The provision of a raised Kassel kerbing and a Real Time Information display at the existing southbound bus stop opposite the site.
  - o The provision of a signalised pedestrian crossing south of the site access (and footway to it from the site access).
- These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation.

Reason: To ensure users of the development can travel safely, freely, and sustainably to Hitchin town centre and other key destinations.

7. Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:

- o the phasing of construction and proposed construction programme.
- o the methods for accessing the site, including wider construction vehicle routing.
- o the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- o the hours of operation and construction vehicle movements.
- o details of any highway works necessary to enable construction to take place.
- o details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- o details of any hoardings.
- o details of how the safety of existing public highway users and existing public right of way users will be maintained.
- o management of traffic to reduce congestion.
- o control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- o the provision for addressing any abnormal wear and tear to the highway.
- o the details of consultation with local businesses or neighbours.
- o the details of any other Construction Sites in the local area.
- o waste management proposals.

Reason: To minimise the impact of the construction process on the on local environment and local highway network.

8. Before the first occupation of any dwelling hereby approved, satisfactory parking for that dwelling outside highway limits shall be provided in accordance with the approved plans. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

9. Prior to the first occupation of the development hereby approved details of siting, number and design of secured/covered cycle parking spaces and of mobility scooter storage 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 sufficient provision of cycle parking and mobility scooter spaces in line with the Council's adopted standards and to encourage use of sustainable modes of transport for all occupiers .

10. Before the development hereby approved is first occupied, a strip of land along the site frontage (i.e. its eastern edge), to the south of the site access for this full length, shall be dedicated as public highway land, to provide a minimum overall width from the back edge of the Bedford Road / A600 carriageway of at least 4 metres. The full details of this strip of land shall be shown on detailed plans to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the effective usable width of the new footway remains at 2 metres, with utility/control services/boxes located behind the footway; and for futureproofing of potential highway schemes.

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.

12. Notwithstanding the detail shown on the submitted landscape scheme and prior to the commencement of the development, further details of the soft landscaping proposals for the southern and western boundaries of the site (including retention of existing landscaping and new landscaping ) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans

Reason: To ensure compliance with the policy criteria for site IC2 as set out in the North Hertfordshire Emerging Local Plan 2011 - 2031 (with Modifications) which seeks to ensure the integrity of the revised Green Belt boundary and in the interests of visual amenity.

13. Before the development hereby permitted is commenced, details of the installation of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure there are adequate water supplies for use in the event of an emergency, and that all proposed blocks are covered.

14. Prior to their installation, details of any external lighting to the parking areas, walkways and access roads throughout the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity

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

Reason: In the interests of archaeology.

16. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation.

Reason: In the interests of archaeology.

17. 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 approved Written Scheme of Investigation and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

18. 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.

19. The development hereby approved shall be constructed in accordance with the submitted Energy Statement by Briary Energy dated March 2022 , 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.

20. The development hereby approved shall be constructed in accordance with the recommendations and mitigation measures set out in the submitted Noise Assessment by Cass Allen (ref: RP01-18707) , unless agreed otherwise in writing by the Local Planning Authority, and the identified measures shall be maintained and retained thereafter.

Reason: In the interests of residential amenity

21. The development hereby permitted shall be carried out in accordance with the recommendations (including mitigation and enhancement measures) set out in the submitted Ecological Assessment by Ethos Environmental Planning dated October 2021.

Reason: In the interests of nature conservation

22. No development (including any demolition) approved by this permission shall take place until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority.

The development shall not commence until a Sustainable Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Lead Flood Authority. The details shall be based on the disposal of surface water by means of a sustainable drainage system in accordance with the principles as set out in the Technical Guidance to the National Planning Policy Framework and should be in line with Policy SuDS Requirements:

- a. Shall be designed to a 1 in 1 and 1 in 100 year storm event with the allowance for climate change;
- b. Follow the SuDS management train by providing a number of treatment phases corresponding to their pollution potential;
- c. Should maximise opportunities for sustainable development, improve water quality, biodiversity, local amenity and recreation value;
- d. The system must be designed to allow for flows that exceed the design capacity to be stored on site or conveyed off-site with minimum impact;
- e. Clear ownership, management and maintenance arrangements must be established; and
- f. The details submitted shall include levels, sizing, cross sections and specifications for all drainage features.
- g. A maximum discharge rate of 5.64 l/s

Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approved details and must comply with part H of the Building Regulations and s106 of the Water Industry Act.

Reason: To protect and prevent the pollution of controlled waters.

23. The development hereby permitted shall be carried out in accordance with the Foul Water Drainage Strategy as set out in the submitted Flood Risk Assessment by PTA consultants dated September 2021.

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

24. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of

contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

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

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

#### 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.

#### Informative/s:

Anglian Water informatives:

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

under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

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

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

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

Police Crime Prevention Design Service informative:

The applicant is advised to contact the Police Crime Prevention Design Service with a view to obtaining SBD accreditation, this will also assist in discharging their obligations under Approved Document 'Q' of Building Regulations.

HCC Spatial and Land use planning informative

The applicants attention is drawn to the Hertfordshire Minerals and Waste teams advice dated 24/5/19 particularly in relation to encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction.