

Location:           **Land Between Royston Road And  
Cambridge Road  
Barkway  
Hertfordshire**

Applicant:           **Mr Robert Rand**

Proposal:           **Outline application with all matters reserved other than  
strategic point of access onto Royston Road and  
Cambridge Road for the erection of up to 140 dwellings  
and a new shop.**

Ref. No:             18/01502/OP

Officer:             **Anne McDonald**

**Date of expiry of statutory period: 06.09.2018**

#### **Reason for Delay**

The application was put on hold while the emerging Local Plan 2011 – 2031 continued to progress.

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

The site area at 7.3 ha is greater than 0.5 ha and as the proposal is for residential re-development, in accordance with the Council's constitution the application is being presented to Planning Control Committee for determination.

#### **1.0 Policies**

##### **1.1 National Planning Policy Framework February 2019:**

1.2 In general and with regard to:

Section 2 – Achieving sustainable development;  
Section 4 – Decision-making;  
Section 5 – Delivering a sufficient supply of homes;  
Section 6 – Building a strong, competitive economy;  
Section 11 – Making effective use of land;  
Section 12 – Achieving well-designed places;  
Section 15 – Conserving and enhancing the natural environment;  
Section 16 – Conserving and enhancing the historic environment

##### **1.3 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 6 - Rural areas beyond the Green Belt;  
Policy 14 – Nature Conservation;  
Policy 16 - Areas of Archaeological Significance and other Archaeological Areas;  
Policy 26 - Housing Proposals;  
Policy 29A – Affordable Housing for Local Needs;

Policy 51 – Development Effects and Planning Gain  
Policy 55 – Car Parking (SPD Car parking);  
Policy 57 – Residential Guidelines and Standards.

#### 1.4 **Supplementary Planning Document.**

SPD – Vehicle Parking at New Developments;  
SPD – Planning Obligations;.

#### 1.5 **North Hertfordshire District Local Plan 2011-2031 'Submission Local Plan and Proposals Map**

SP1 - Sustainable development in North Hertfordshire;  
SP2 - Settlement Hierarchy;  
SP8 - Housing;  
SP9 - Design and Sustainability;  
SP10 - Healthy Communities;  
SP11 - Natural resources and sustainability;  
SP12 - Green infrastructure, biodiversity and landscape;  
SP13 - Historic Environment;  
T2 – Parking;  
HS1 - Local Housing Allocations  
HS2 - Affordable housing;  
HS3 - Housing mix;  
D1 - Sustainable design;  
D3 - Protecting living conditions;  
D4 - Air quality;  
NE1 - Landscape;  
NE5 - New and improvement public open space and biodiversity;  
NE7 - Reducing flood risk;  
NEEx – Biodiversity and geological sites;  
NE8 - Sustainable drainage systems;  
HE4 - Archaeology.

#### 2.0 **Site History**

2.1 16/02759/1 – Outline application with all matters reserved other than strategic point of access onto Royston Road for the erection of up to 100 dwellings and a new shop (A1 use) with associated public open space, landscaping and drainage. The application was recommended for refusal for four reasons (which are set out below), but was withdrawn before the application was presented to Planning Control committee and determined.

#### 3.0 **Representations**

3.1 **Barkway Parish Council** – comments from 2018 - the Planning Statement is entirely reliant on the designation of the site for residential development in the Submission Local Plan, site BK3. However, this plan is not yet concluded and there have been, and continue to be, objections to the designation of this site. The Plan has not yet been found sound or adopted. Consequently the weight which it can be afforded to it remains limited. The application must be considered against Local Plan no.2 and the NPPF.

3.2 We have objected to the allocation of BK3 on the basis that it would have a harmful impact on the countryside and environment. The proposals are of an excessive scale

in terms of the size and character of Barkway and is in an unsustainable location, particularly with respect to access to employment, services and facilities without the use of private vehicles. These are all contrary to both the policies in the NPPF and the Local Plan no.2 and the Submission Local Plan.

- 3.3 The absence of the five-year housing land supply does not excuse the developer from applying the core principles of the NPPF which clearly state the 'presumption in favour of sustainable development'. We believe that the proposed development is unsuitable and the adverse impacts outweigh the benefits when assessed against the terms of the Framework as a whole.
- 3.4 The development has not undertaken proper community involvement, but has referred to a document which was submitted with the previous application on just three-fifths of the site to which over 96% of the population objected.
- 3.5 The 2016 application was recommended for refusal. One reason was that the school site separates the houses from the village. This application has not overcome this reason for refusal.
- 3.6 In 2013 SHLAA the site failed to be included for consideration and only two sites in Barkway with an estimate of 31 new dwellings were proposed. That estimate then almost quadrupled in the final draft. No explanation has come forward from the Council as to why the site suddenly became suitable, how it overcome the earlier barriers to inclusion or why it was acceptable to increase the population of Barkway by over 60%. As the Submission Plan has not been approved the site is therefore outside of the Housing Development Boundary and should be rejected.
- 3.7 The development of 140 homes is wholly disproportionate in size to the existing village and will lead to a major increase in the use of private vehicles to access the amenities and employment, creating an isolated housing estate on the periphery of the community, a dormitory estate for employment sources elsewhere. The reserved site for a school further separates the development from the village.
- 3.8 The site is on the Chiltern Ridge. This application is in contravention of NHDC's own policy of protecting this area which, if accepted and developed, would come with associated street lighting on the ridge itself. This would be visible for some 30 miles to the north.
- 3.9 A full archaeology study needs to be undertaken and only doing the study on the west part of the site is not sufficient.
- 3.10 Detailed updated comments submitted in August 2022 have been received. The main representation (not its appendices which can be viewed on the Council's website) is attached at Appendix 1. In addition to the comments above objections are raised with regards to the capacity of the local sewage network and concern regarding impact on the River Quin due to raw sewage being 'spilled' into the watercourse.
- 3.11 **Reed Parish Council** – objects to the application for the following reasons:
  - The number of proposed houses is grossly disproportionate and not sustainable in a village the size of Barkway with its existing amenities. It is disproportionate given that Barkway is already assimilating new houses on a number of sites already. We raise no objection to new housing on sites which can be suitably absorbed and in numbers which limit damage to the character of the village as a rural settlement;
  - The application should be rejected on the grounds of prematurity;
  - The proposed location is entirely unsuitable for 140 new houses or anything like that number. It would deform and deface the character of a beautiful valley at the end of

the Chiltern ridge. The proposal should be rejected on environmental and aesthetic grounds;

- There would be specific and adverse impact on Reed from the permanent and unsuitable increase in traffic on The Joint, which is the link between Reed and Barkway. A conservative estimate of the number of private vehicles associated with 140 new houses is 200. Such an increase in Barkway itself and on The Joint is not suitable.

A 2022 update has been submitted, which in addition to the above also objects for the following reasons:

- Concern about the over-extraction of water from the local chalk streams as well as the disposal of sewage in the stream.
- Consider that the local road network is not suitable for large numbers of new cars or for the construction traffic which will be a nuisance on the local roads.
- No viability assessment has been submitted for the shop and concern is raised that the shop at Barely will be affected.

- 3.12 **Cllr's Fiona Hill and Tony Hunter** - comments from 2018 - Barkway is an ancient linear village on the B1368 comprising of approximately 329 dwellings.
- 3.13 We consider this is an unsustainable site for development due to lack of amenities including education, health, transport and minimal public transport (therefore increasing the carbon footprint). The site breaches NPPF 3 (Supporting a prosperous rural economy), NPPF 4 (Promoting sustainable transport), NPPF 8 (Promoting healthy communities) and NPPF 11 (Conserving and enhancing the natural environment).
- 3.14 2022 update from Cllr Hill – concern about impact on the River Quin and still objects on the basis of a lack of transport, employment and shops in Barkway resulting in the need for a huge number of additional vehicles to serve the proposed development. This will have a detrimental impact on the carbon footprint. There is also great pressure on the sewage system in Barkway. BK3 is unsuitable and should not have been included in the local plan as a housing site. The site should be refused from the emerging Local Plan and the application should be refused.
- 3.15 **Cllr Gerald Morris** – objects to the application on the basis that it is premature, the site is isolated from the village due to the reserved school site, the previous application recommended refusal for these reasons and the site is unsuitable and unsustainable. He also raises concern regarding the impact on Newsells Stud.
- 3.16 **HCC Lead Local Flood Authority** – no objection subject to conditions.
- 3.17 **Thames Water** - August 2022 updated response has identified an inability of the existing sewage treatment works infrastructure to accommodate the needs of this development proposal and therefore requires for the following condition to be recommended:
- No development shall be occupied until confirmation has been provided that either:- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.*
- 3.18 **HCC Ecology** - no response at the time of writing.

- 3.19 **HCC Rights of Way** – the width of Barkway BR17 is currently less than what we would expect for the creation of a new Bridleway. It is likely that the Bridleway will receive increased use by people coming from the housing development. This section of Bridleway 17 as it passes through the proposed development is the narrowest section along this route. Further north it opens up to over 5m in width. The width of the bridleway should be set so that it is in line with the rest of the Bridleway to the north. As a road is planned to cross Bridleway 17 appropriate measures will need to be granted for Bridleway uses to cross the road safely. The British's Horse Society should be consulted by the developers.
- 3.20 **HCC Archaeology** - updated comments received August 2022 states that due to the application site being extended to the east in comparison the site area for the previous 2016 application, it is appropriate to impose a condition requiring pre-commencement investigation works and this condition is recommended.
- 3.21 **HCC Growth and Infrastructure Unit** – contributions are required towards middle and upper education, library services, youth service, SEND and fire hydrants.
- 3.22 **HCC Highways** – no objection subject to conditions and informatives. Contributions are required under the S106 Agreement and S278 Agreement.
- 3.23 **NHDC Principal Policy Officer** – detailed comments are attached at Appendix 2. In summary the comments set out the master planning approach that has been applied to the application and raises no objection to the application.
- 3.24 **NHDC Housing Officer** - detailed comments are attached as Appendix 3. In summary this sets out that 56 affordable dwellings will need to be provided with a mix of dwelling sizes and tenure options including the possibility of Frist Homes.
- 3.25 **NHDC Waste Services** – no objection, general comments provided.
- 3.26 **NHDC Environmental Health** - no objection subject to conditions and an informative.
- 3.27 **NHDC Environmental Health Air Quality** - EV parking will need to be provided throughout the development.
- 3.28 **NHDC Landscape Officer** – has assessed the proposal and is widely supportive, apart from stating that insufficient planting is proposed along the southern boundary, so that views from Periwinkle Close will be adversely affected. Furthermore, given that the site is on the edge of Barkway it will be seen as the 'gateway' into Barkway and therefore the access points and road frontages should be carefully designed to create a transition between the countryside and the village.
- 3.29 **NHS Cambridge and Peterborough CCG** – the development is not significant in terms of population growth as the proposal is for less than 500 dwellings so S106 contributions are not required.
- 3.30 **CPRE Hertfordshire** – object to the application on the basis that it is inappropriate residential development in the Rural Area beyond the Green Belt. The Planning Statement is entirely reliant on the proposed designation BK3 in the Submission Local Plan. However, this plan is still not concluded. There are outstanding objections to this site and to date this Plan has not been found sound or adopted. The application must therefore be considered against the Local Plan no.2 and the NPPF. The

proposed site BK3 would have a harmful impact on the countryside without adequate justification for doing so. The proposals are excessive in scale in terms of the size and character of Barkway and is in an unsuitable location particularly in respect of access to employment, services and facilities without the use of a car. These are all contrary to the policies of the NPPF.

- 3.31 **Newsells Park Stud** – is located immediately north of the site. It has been operating on this site for over 100 years and employs 35 people. The land immediately to the north is the most established pastures at Newsells and part of the original stud land from the 1920s. It is these paddocks which is the best land at Newsells due to its clay soil over chalk composition, which retains moisture in a hot dry summers providing good turf and grass for the foals. The paddocks around the Obelisk and Manor are used exclusively for mares and foals in the spring and are vital to the operation of the stud. There will be an increase in noise as a result of the proposed development which could have an adverse impact on the tranquil nature of the paddocks, especially those close to the application site. The young thoroughbreds are easily spooked / startled and there is the possibility of an increased risk of accidents and injury as a direct consequence. The proposed 15m landscape buffer would not mitigate this risk and is inadequate.
- 3.32 The works to Bridleway 017 will be likely to increase the use of it and those then going through the Stud land, with the concern there will be increased noise and disturbance to the paddocks and a particular concern is loose dogs. These factors all combine to dramatically increase the risk of injury to the foals / stock with the consequent negative impact on the stud business. There are approximately 250 stables at the stud and there are up to 340 horses on site during the Stud season, conservatively representing over £100 million in bloodstock. An objection to the Local Plan submission from Mr Roger Allman the stud's agronomist states:
- “...a significant housing development immediately to the south of their best pasture can only have a detrimental effect on the Stud's operation. No right minded Stud Manager would risk the safety of a mare and foal (that might be worth a seven figure sum) in a paddock right next to a housing development. ...I have been advising thoroughbred breeders for 38 years. I have come across far too many situations where thoroughbreds have suffered life threatening injury through paddock accidents caused by the unnecessary intervention of people living nearby”.*
- 3.33 Such an impact would be directly contrary to national and local planning policy that seeks to protect and retain important rural businesses, would conflict with the economic aspect of, and also would not represent sustainable development. The application fails to take this risk seriously. We consider that due to the nature of this rural business, the proposed development could have a detrimental impact upon the economic vitality of Barkway as whole.
- 3.34 **Friends of the River Quin** – this application poses severe risk to the River Quin which is a chalk stream which are rare globally. The data recording discharges of raw sewage from the Barkway Sewage Treatment works shows increasing volumes of raw sewage spilling into the chalk stream which strongly suggest that the local infrastructure in Barkway is already inadequate. Further development in the village will surely increase the volume of spill.
- 3.35 **Rt Hon Sir Oliver Heald MP** – supports the concerns of the Friends of the Rib and Quin and the comments of Barkway Parish Council and objects to the application.
- 3.36 **Neighbour Representations**

3.37 The application has been advertised with a site notice and neighbour notification letters. Over 260 representations have been received, with some local residents making more than one comment over the lifespan of the application. Comments submitted in 2018. Key points include:

#### Principle

- This application is premature. The site was put forward at the last minute without proper public consultation for inclusion into the submission Local Plan in order to meet Government housing targets. This new Local Plan is still with the Inspector and is un-adopted. There are still many unresolved objections to this site being in the new Local Plan and this application should not be determined until the outcome of the new Local Plan is known.
- We believe this site was included based on a 'desk top' exercise only. Previously it was always excluded and we believe it should still be excluded.
- The 2016 application was withdrawn when it became known it was to be recommended for refusal on the basis of it being both unsustainable and unsuitable. That application was for two thirds of this site. These reasons are still relevant.
- An adjacent site for 25 houses was refused and it was deemed unsuitable and unsustainable by NHDC officers.
- The NPPF stated there should be a presumption in favour of sustainable development. If this development on site BK3 can be proven to be unsustainable then there should be no question of planning permission and it should be refused outright. Just because there is no 5 year housing supply, it does not mean that the core principles of the NPPF should not apply.
- This site cannot have been appraised correctly. There must be other sites closer to towns, facilities and transport links that are better than this.
- The site is outside of the village boundary.
- 140 houses is too many for the site and village.
- What is proposed is of a totally excessive scale in relation to the size and historic character of Barkway. It would overwhelm the village, degrading it rather than enhancing it.
- I do not object to the idea of more housing in Barkway especially if it provides much needed affordable housing. However, I believe the size and location of this development is inappropriate.
- The character of the village would be ruined. The village has many very old houses that characterise the quality charm of Barkway.
- New houses have always been as individual or on a small scale. 140 new houses would totally overwhelm the current village and create a separate village rather than adding to the existing one.
- The village facilities are few and would be unable to cope. The school is split with Barley and would not be able to cope with all the extra children.
- I appreciate that as a country we need to build more houses. But these should be in a more sustainable location and not in an area where household income will have to run to at least one car per household in order to access amenities and employment.
- This is a village not a town. A development of this size should be in a town not a village.
- The proposed school site is empty and this separates the estate from the village.
- This proposal would increase the population of the village by 60%, destroying its character and community.
- The village boundary will be breached.
- It will damage and harm the natural environment.
- This development does not consider the NPPF policies in promoting sustainable communities in any way.

- The development will provide a housing estate where the adverse effects of the development will outweigh the benefit of creating the new homes.
- It will destroy Grade II agricultural land which has always been farmed and provided good crops.
- It will create an unsightly housing development stuck on the crest of a hill in area of natural beauty with street lights causing light pollution in a village where there are hardly any street lights.
- This should be built in a town.
- A very large number of houses are proposed without any new jobs to balance the increase of properties.

### Traffic

- Barkway is a linear village situated on the B1368. We already have a large volume of traffic and heavy traffic through the village, much of it travelling far too fast. The 140 new homes will increase the traffic exponentially thus causing more wear and tear on the already fragile road.
- Many of the houses are old and already bear enough strain on their construction and increased traffic volume will only serve to increase this hazard.
- The roads in and out of Barkway are narrow and bendy and follow the contours of the landscaping making them not suitable for large quantities of traffic.
- Roads cannot cope with any more traffic.
- It does not appear that this application is making any improvements to local roads or public transport links.
- The traffic assessment was done on a very quiet week and makes no reference to the usual agricultural and commercial vehicle movements through the village.
- There is the periodic closure of the High Street when the old culverts which carry the many small streams across the road collapse under the weight of additional cars and lorries.
- There should be only one road onto Cambridge Road as this is the better road.

### Sustainability

- We have few amenities in the village making it necessary to drive to shops, doctors and schools.
- A proposed new shop does not address the lack of doctors, dentist, secondary schools, transport, sewerage and mains water pressures.
- The bus service is inadequate and does not offer sensible help to those wishing to commute to and from work, local towns or the train station at Royston.
- Cycling cannot be considered to be a viable mode of transport from Barkway to other villages and towns due to the distances and the danger from narrow, steep and winding roads with no street lights.
- The Transport Assessment is out of date and misleading. The no. 331 bus no longer goes through Barkway and its replacement, the no. 18 does not meet the needs of commuters needing to get to the station and in to London or Cambridge.
- The car park at Royston station car park is already full. Where are all these extra people to park / how will they get to work?
- How will these people get to work – only by car which would add to the traffic, pollution, time spent, expense incurred and would contravene the Council's own expressed wish not to add to car traffic and carbon emissions.
- Barkway primary school is far too small both for the number of children and for there to be proper amenities for the staff. Only years 1 and 2 are taught at Barkway and 3 and 4 are at Barley with children being travelled to and from by mini-bus. All these extra children will not fit in.

- There is no sixth form in Royston. Secondary children have to go to Royston, Buntingford, Baldock, Saffron Walden or Cambridge all adding to the amount of necessary travel.
- A bus service using Richmond's coaches should be provided.
- A cycle lane should be provided.
- BK1 and BK2 site are supported. And since 2011 there has been some in-fill and about 50 new houses have been built. This is an increase of 15% and is manageable for the village and good for local vitality. This proposed increase of 60% is disproportionate and an inappropriate rate of growth for the village.
- 40% social housing. There are no jobs in the village and poor transport links. Those who cannot afford a vehicle will be stranded.

### Other

- The air quality is already adversely affected by the amount of traffic and this would only get worse.
- The walking route between BK3 and Barkway school is not safe as it crosses the junction opposite the war memorial which does not have good sight lines.
- Newsells is the largest local employer employing about 30 – 35 people. The noise from the new houses could spook the horses, making the site unviable, and affecting a profitable business and local employment.
- The drains / sewage system will not be able to cope.
- The proposed shop may result in making the shop in Barley unviable / close.
- Local doctors and dentists are already over capacity.
- The recent application for 25 houses on land next to Royston Road was partly refused on the basis that the roads could not take the extra traffic from 25 houses. So how can it take the traffic from 140?
- Some of the units should be live / work units.
- The bridleway network in the area is disconnected and fragmented. It is impossible for horse riders in the area to avoid roads. On the narrower lanes it is difficult to give riders enough room around the horse and many vehicles pass too close. Lorries from Anstey quarry can be found on all roads and this is very intimidating to horses. The increase in traffic has the potential for a serious accident.
- The bridleway is not wide enough and should have a width of at least 4m.
- Many houses in the village are listed and / or within the Conservation Area and this application does not respect the linear character of the village.
- The development would detract from the countryside and ruin it for walking through and around.
- The horrific negative and permanent impact on the environment would remain long after the appalling construction phase of the development has been completed.
- The site is a roosting area for at least two types of bats, the common pipistrelle which is listed as endangered and the brown long eared. It is also used by herds of fallow deer.
- Development should be on the eastern side of the site only so that the lovely view of the countryside is not blocked.

3.38 2022 consultation update – new points submitted in addition to the above from 2018:

- North Herts Climate Change Emerging is not addressed in this application.
- The impact on the rare chalk stream the River Quin will lead to pollution and continued over extraction puts this at risk. (Officer note – this is not a consideration of the application as the extraction rates from rivers and streams is controlled by the Environment Agency and this application is not proposing any extraction from this stream).

- The continuing increase in discharging raw sewage into the River Quin is a local concern.
- Thames Water state that they have no plans to increase capacity at the Barkway Water Treatment Plant.
- Is a shop in this location viable?
- The village has been extended by 15% in recent years and no more new housing is needed.
- Its inclusion in the local plan is not yet confirmed. This is still premature.
- The application does not deliver a 10% net gain in bio-diversity.
- This is an insular development that will not integrate into the village.
- The transport survey shows 64 movements for 140 houses whilst the application at BK2 shows 24 vehicles movements for 24 houses.
- The proposed horse crossing is not safe for horses.
- This development does not trigger to need to use the reserve school site so this development will not be part of or feed into the community.

#### 4.0 **Planning Considerations**

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

4.1.1 The application site is 7.62 ha in size and is arable land situated between Royston Road and Cambridge Road with an existing bridleway running north / south through the site. The Chiltern Ridge runs east – west along the north site boundary with Newsells Estate lying to the north and the Cokenach Estate off to the north east.

##### 4.2 **Proposal**

4.2.1 Outline application for the re-development of the site for the erection of up to 140 dwellings and one new shop. All matters reserved apart from point of access onto Royston Road and Cambridge Road.

4.2.2 Submitted in support of the application are the follow documents:

###### Submitted in 2018:

- Design and Access Statement;
- Planning Statement;
- Heritage Statement;
- Statement of Community Involvement;
- Transport Assessment;
- Archaeological Desk Based Assessment;
- Archaeological Trial Trench Evaluation;
- Flood Risk Assessment;
- Geophysical Survey;
- Phase 1 Geophysical Assessment;
- Extended Phase 1 Habitat Survey;
- LVIA Report;

###### Submitted in 2022:

- Bio-diversity Metric 3.0 Calculation tool;
- Bio-diversity Net Gain Design Stage Report;
- Education Impact and Mitigation Assessment;
- Design and Access Statement rev. E;
- Masterplan Summary Document rev. A;
- SP9 Design Assessment;

- Urban Design Parameter Plan;
- Planning Statement Addendum 2022;
- Arboriculture Impact Assessment 2022;
- Extended Phase 1 Habitat Survey 2022.

4.2.3 All the above documents are viewable in full on the Council's website. Key points from some documents are:

Design and Access Statement

4.2.4 This sets out the strengths and weaknesses of the application site and the factors that have been taken into account when designing the proposal. It states that the proposal consists of up to 140 well designed family sized homes, a local shop, public open space and pedestrian, cycle and bridleway links. It states that the planning history has been taken into account, and that the site is an allocated housing site (BK3) in the emerging Local Plan, so there is no objection in principle to residential development on this site. It sets out that the character of Barkway is in two halves. The older 'Conservation Area' part and the new post war part, and that this proposal is within the newer post war part of the village and will not be contrary to local character. It states that the plan has:

- 15m deep landscape buffer along the northern boundary to protect the Chiltern Ridge and Newsells estate;
- a main village 'street' running east to west through the site connecting Royston Road and Cambridge Road;
- a proposed village square with equestrian crossing at the point where the bridleway meets the proposed 'village street';
- two areas of higher density family houses on the west side of the site;
- one area of lower density larger properties set within the woodland edges;
- a commercial area, fronting Cambridge Road, with a shop and a mixed use community 'cluster'.

4.2.5 A traditional townscape character is planned, based on elements of Barkway's local architectural vernacular with pitched roofs and local materials such as red brick and weatherboarding. The commercial building is to be timber clad to match it to local existing community facilities.

4.2.6 Planning Statement

- sets out the policy background for the application. It states that the emerging Local Plan identifies land where development should be built, and that the application site has been allocated within the Local Plan as a proposed housing site BK3 for up to 140 houses. It states that whilst the application is in outline form, the illustrative plans show how the site could be developed, sensitively planned and designed with regard to the context of the local area. The development would contribute significantly to the supply of housing within the District, in accordance with local and national planning policy and would provide other environmental, social and economic benefits.
- Barkway has a population 775 (2011 census) and that the village benefits from a range of facilities including a public house, a petrol station, a primary school, a church, a village hall and a social club.
- The site is bordered by hedgerows on its northern, western and eastern boundaries. These are to be largely retained.
- The reasons for refusal of the 2016 scheme were not in relation to the principle of the proposed development but more to the piecemeal nature of the development and have been overcome in the proposal.
- The Council is unable to demonstrate a current 5 year supply of housing land.

- The site is in a sustainable location and meets the NPPF tests of sustainable development.
- The proposal should be considered in accordance with the presumption in favour of sustainable development as defined under paragraph 14 of the NPPF.
- The principle of the development is strongly supported in planning policy terms.
- Analysis of the criteria of BK3 and concludes that the application is fully compliant.
- A S106 Legal Agreement has been agreed and is being prepared.
- A footpath will be provided along the eastern side of Royston Road and the existing footway along Cambridge Road will be widened.
- Discussions have taken place between the applicant's and HCC regarding the 'school site'. HCC have confirmed that the school site would need to be independently accessed from Royston Road and they would prefer only one access into the development from Royston Road. HCC Education set out support for a pedestrian route from the development to the school, which is proposed within the indicative layout.

#### 4.2.7 Heritage Statement

- No detailed historical research into the development of the area has been undertaken, as a detailed analysis of historical development on site is not considered to be relevant.
- The aim of this report is to assess the effect the development on the setting of the Conservation Area.
- The most northern part of the Conservation Area is some 200m to the south of the application site.
- The report concludes that the character and context of the immediate site environs will experience a degree of change occasioned by the proposal. However, this area is sufficiently remote from the Conservation Area for it to have no appreciable direct effect.

#### 4.2.8 Landscape and Visual Impact Assessment

- The proposed development site consists of greenfield land on the northern edge of Barkway. The gently sloping topography, its current land use and strong boundary hedgerows are typical of the wider landscape of the Barkway Plateau.
- 15m wide treed landscape buffer along the ridge line that define the northern boundary. This will include native tree planting and grassland to link wooded areas along the ridge. Visually this will allow the development to be set below the ridge.
- Creation of a north-south green corridor along the PRoW017 and the existing hedgerow through the centre of the site.
- Provision of attenuation ponds and swales to provide strategic semi—natural open space to link to the wider green infrastructure network.
- From the wider landscape the Eastern Field is quite visually enclosed because of a combination of the topography and vegetation along Public Rights of Way.
- Long distance views from higher ground to the south and west of Barkway are available. However, the proposed development will be barely visible because of the topography and the screening effect of the intervening vegetation.
- In these views the proposed site is a minor component of a wide panoramic view in the context with the existing settlement of Barkway.
- The overall character of the site will permanently change from a greenfield site to a construction / built site which will have a noticeable, localised moderate adverse effect on the site and the surrounding area.
- The effects of permanent development on the features within the site are considered to be predominantly minor adverse at year 1 changing to negligible by year 15 once strategic planting has established.
- The proposed development will be appropriate in character in / to the surrounding context of the adjacent settlement of Barkway.

#### 4.2.9 Archaeological Desk-Based Assessment and Trial Trench Evaluation

- To determine the location, date, extent, character, condition, significance and quality of any surviving remaining 'finds' to be threatened by the proposed development.
- Some finds were found on site.
- The proposed development is likely to have a significant impact on archaeological remains which are known to exist at least in the eastern and central sectors of the site and likely extend eastwards. Mitigation for archaeology would be determined by HCC.

#### 4.2.10 Tree Assessment

- The tree population across the site / survey area comprises young to mature broadleaves around the peripheries of the site with hedgerows within the site.
- Four trees are shown to be either wholly or part removed due to design layout and a further two trees will have roof protection zones impacted and will either need special construction techniques or the trees removing.
- Protective fencing will be used around all retained trees during the construction phase.

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4.2.11 The Local Plan 2011-2031 Proposed Submission Plan (October 2016) was submitted to the Secretary of State on the 9th June 2017 for examination. Hearing Sessions commenced in 2018, and following a period of consultation on the Main Modifications in 2019, further Hearing Sessions were held in 2020 and 2021.

4.2.12 Within the NHLP, the application site (considered under reference Policy BK3 – Land between Cambridge Road and Royston Road) is proposed for inclusion within the settlement boundary of Barkway, with an allocation for 140 dwellings and provision for a shop. This included a specific hearing session on the site in February 2021, following which the allocation was retained as an allocation within the Main Modification Consultation held during the spring of 2021.

4.2.13 As part of the BK3 allocation, the application site is allocated for up to 140 dwellings and provision for a shop. This planning application is in full accordance with the site area and quantum of development as allocated within emerging Policy BK3.

4.2.14 The NHLP is at the most advanced stage of preparation, with the Inspectors Final Report expected imminently. The policies of the emerging plan are consistent with the policies of the Framework. Taking all of these factors into account, in accordance with paragraph 48 of the NPPF, significant weight should be given to the relevant policies in the emerging plan.

#### Arboriculture

4.2.15 The updated AIA confirms that the proposals will require the removal of one tree, the part removal of a tree group, and the removal of four parts of hedgerow within the site. The retention of existing hedgerows will also maintain the alignment and integrity of Bridleway Barkway 018.

#### Ecology

4.2.16 A Preliminary Ecological Assessment (PEA) was submitted with the planning application in 2018. An updated PEA (Rev B) (June 2022) has been prepared and submitted in support of the planning application. The updated PEA should be read in

conjunction with the Biodiversity Net Gain (BNG) Assessment, which was submitted to the Council on 4th March 2022.

4.2.17 The updated PEA confirms that site conditions are largely consistent with previous site visits, and site habitats are considered to be of low ecological value. The BNG Assessment shows a biodiversity net gain of 1.05% for non-linear area habitat features and 57.95% net gain for hedgerows.

4.2.18 The PEA also confirms that any potential adverse impacts from the proposed development can be mitigated in line with the relevant policy. With appropriate mitigation and targeted enhancements, a positive change in the biodiversity could be achieved in line with the NPPF.

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4.2.19 The land use arrangement is:

- Up to 140 residential dwellings on 5.29 hectares of land located in the western and eastern parts of the site
- hectare commercial area incorporating a commercial building of approximately 190 sqm gross floor area, suitable for use as a local convenience store, located adjacent to the eastern boundary of the site close to the existing community facilities on Cambridge Road
- Multi-functional public open space on 1.96 hectares of land incorporating space for children's play, informal recreation, footpaths and bridleways, woodland planting and hedgerows, drainage attenuation features. Corridors of green space are located at the northern, western and north eastern edges of the site and running centrally through the site following the existing bridleway.
- Access to the site is proposed from two new junctions onto Royston Road and Cambridge Road. These are linked by a village street running broadly east-west across the development

### 4.3 **Key Issues**

4.3.1 The key areas for consideration are:

- Policy context and principle of development;
- Unresolved objections;
- Emerging Policy SP9 and the master planning process
- Sustainability considerations;
- Planning history;
- Loss of agricultural land;
- Impact on character and Conservation Area and wider landscape;
- Access and highways issues;
- Layout;
- Ecology:
- Technical objections;
- Planning Obligations;
- Barkway and Nuthampstead Neighbourhood Plan;
- Planning balance and conclusion.

#### **Policy context and principle of development**

4.3.2 The development plan for North Hertfordshire consists of the saved policies of the North Hertfordshire District Local Plan no.2 with Alterations (1996). Saved Policy 6 - Rural areas beyond the Green Belt, is applicable as the proposed development site is

outside of the village boundary of Barkway. Saved Policy 6 is a rural restraint policy which seeks to prevent new development in rural areas outside of existing settlements.

4.3.3 The application site has been identified in the NHDC emerging Local Plan 2011 - 2031 as a housing site BK3 under the emerging Policy SP2. This policy was specifically considered at an EiP session in February 2021 where the suitability of this site remaining in the emerging Local Plan was considered. In May 2021 the updated Modifications Document was received from the Local Plan Inspector which retained site BK3 as a housing allocation. The Modifications document has been published on the Council's website since it was received in May 2021.

4.3.4 Paragraph 13.37 of the emerging Local Plan states that this housing site is identified for up to 140 homes with the following policy criteria:

- o *Development should be set back from the road;*
- o *Lower density houses would be appropriate on the eastern part of the site;*
- o *Incorporation of Bridleway Barkway 017 as a north-south green corridor through the site;*
- o *Appropriate treatment of northern boundary to maintain alignment and integrity of Bridleway Barkway 018;*
- o *Explore opportunities for connecting road from 'Royston Road to Cambridge Road having regard to heritage considerations:*
- o *Sensitive integration into existing village, particularly in terms of design, building orientation and opportunities of pedestrian and cycle access;*
- o *Provision of local convenience shop;*
- o *Approximately 1.5 hectares of land at the south-west of the site secured as a reserve site for primary education;*
- o *Site layout designed to integrate with any future use of land identified for school site;*
- o *Development should include extensive tree planting, maintenance of the existing boundaries and hedgerows;*
- o *Development should include measures to minimise impact on Newsells Park Stud, in terms of proximity of built development, noise and increased activity;*
- o *Sensitive design to respect setting of Cokenach Registered Park and Garden and listed buildings within Newsells estate to include:*

*Reinforcing of hedgerows and landscaping along site boundaries; and  
Access arrangements designed to minimise harm to heritage assets.*

4.3.5 Although in the Rural Area beyond the Green Belt under the Saved policies of the 1996 Local Plan, this site is identified in the emerging Local Plan as a housing site at a time when the Local Planning Authority cannot demonstrate a five year deliverable supply of housing land, which is currently estimated to be less than 1.5 years. Paragraph 59 of the NPPF emphasises the importance of ensuring that a sufficient amount of housing land can come forward where it is needed, and paragraph 73 of the NPPF advises that local authorities should identify and update annually a supply of specific deliverable sites, sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.

4.3.6 Paragraph 48 of the NPPF advises that emerging plans can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that can be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to this Framework, (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

4.3.7 The emerging Local Plan is at an advanced stage as all rounds of public examination and consultation are completed. It is anticipated that the final report will be shortly issued and therefore significant weight can be given to the emerging policies contained within it.

4.3.8 Paragraph 49 of the NPPF states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) The emerging plan is an advanced stage but is not yet formally part of the development plan of the area.

4.3.9 The emerging Local Plan (over the plan period 2011 – 2031) identifies the need to deliver at least 14,000 new homes for North Hertfordshire's own needs. Policy SP8 of the emerging plan sets out that 4,860 of these homes are to be provided through local housing allocations that will provide homes on:

- further sites within the adjusted settlement boundaries of the towns;
- land within the adjusted settlement boundaries of the five villages identified for growth and
- sites identified within the defined settlement boundaries of the Category A villages.

4.3.10 This site is proposing 140 of these 4,860 new homes and the delivery of these houses, when combined with the other allocated housing sites, will make a meaningful contribution to meeting future housing needs of the district.

4.3.11 Policy SP2 sets out the criteria that was taken into account when the Category A villages were allocated. A 'Category A' village is a village where general development will be allowed within the defined settlement boundaries. Paragraph 4.13 states *"The Category A villages, normally containing primary schools, also have defined boundaries within which development will be allowed and sites have been allocated to meet the District's overall housing requirement. These villages are excluded from the policy designations (either Green Belt or Rural Area Beyond the Green Belt) which affects the surrounding countryside"*.

4.3.12 At the EiP the Inspector commented that the list of Category A villages was long, and within the list there was no distinction between villages with more than 200 houses allocated, such as Barkway, and those with no housing sites allocated, such as Barley. As a result, five villages within the district that have sites which, if all developed, would provide more than 200 new homes, were put into a separate category as 'five villages identified by the Plan for growth'. These villages are Barkway, Codicote, Ickleford, Knebworth and Little Wymondley.

4.3.13 In addition to the sections of the NPPF set out above supporting the policies contained within the emerging Local Plan, due to the existing Local Plan 1996 being considered to be 'out of date' paragraph 11(d) of the NPPF is also triggered. This requires for decision takers to apply a titled balance in favour of supporting new housing schemes

that are in sustainable locations, unless any adverse impact of doing would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. This assessment is the 'planning balance' and is set out below following the discussion of all other matters.

### **Unresolved objections**

- 4.3.14 A number of parties made objections to the allocation of BK3 in the emerging Local Plan. 81 such objections were received. These covered the same issues as consultee's and neighbour's have raised in the consultation section above, and in summary can be stated to be objections regarding the lack of facilities in the village, the size of the proposed development and the harm this would have on the character of the countryside and on the conservation area, concerns regarding traffic and noise, objections to the loss of high quality agricultural land and that Barkway is considered to be an unsuitable location for new development of this scale.
- 4.3.15 Given the advanced stage of the Local Plan with it having gone through all rounds of examination, publication and consultation on modifications, and given that this site was specifically debated and retained as a housing allocation in the May 2021 Modifications, I am of the view that there are now no longer any unresolved objections outstanding as all matters have been considered by the Local Plans Inspector and the site has been retained as a local plan allocation.

### **Emerging Policy SP9 and the master-planning process**

- 4.3.16 Emerging Policy SP9 requires for developments with more than 100 dwellings proposed to be master planned. Attached at Appendix 4 is a note from the Local Plans Manager setting this process out in more detail. However, in summary the key issue to note is that emerging Policy SP9 requires for the whole of the allocation area to be master planned. This application does not include all of the land inside the allocation area for BK3, with the area of land to the south, known as the 'reserve school site' being outside of the red line application site and within the land ownership of HCC education and not the applicant. (HCC education compulsory purchased this land off the applicant in the 1980s).
- 4.3.17 The master planning process has ensured that consideration is given to the flow through and layout of the development, the maintaining of the bridleways and the possible layout of the development. However, given that the master planning plans are indicative due to this application being outline with all matters except access reserved, there may be changes to the layout at the reserved matters stage.
- 4.3.18 It is acknowledged that this application is not in strict accordance with the aims of emerging Policy SP9 due to the area of the land forming the reserve school site being outside of the application site area. HCC were approached during the application timespan to see if they wished to either be part of the application, or land swap the school site to the northern part of the site or to agree to landscaping within their land area to help with the setting of the site. HCC education refused all possible options, stating that the development of the houses does not trigger the need for a school at the same time as there is sufficient capacity within the local school system. They refused to land swap to the north side of the site (even though the applicant offered them an increased land area in size) on the basis that they wished to protect their own assets and to be independent of the applicant. They also refused to allow any landscaping on their land as they do not wish to have costs added to the land in the event that the

planted trees would need to be removed to allow the development of a future school. They also refused to take part in the master planning process as they did not consider it to be in their interest. Given that the reserve school site is part of the allocation and on site is part of the open field area with no landscape demarcation feature separating the two different land ownership areas, the fact that the application fails to comply with the full requirements of emerging Policy SP9 due to the southern land mass not being within the application site area has to be acknowledged.

4.3.19 However, whilst emerging Policy SP9 does require for all of the allocation area to be master planned, the criteria of the BK3 allocation does not require for the whole of the allocation area to be developed at the same point in time and thus does not require for the whole of the allocation area to be within the red line application site area. This is a conflict within the policies and a view has to be taken on a pragmatic way forward. Given that a future school would be a fenced building and grounds for child safety, and that the indicative plans for the housing show footpath connections to the school site area, effort has been made to 'connect' these two different land use areas. As a result, in my view it can be concluded, that the master planning process would have had very little effect if the reserve school site were to be within the application site and thus master planned area, on the basis that landownership within the allocation area is split, and the possible re-allocation of the school site (which the master planning process may have advocated on the basis that the housing is then on the southern part of the site to link with the existing development in the village) has been investigated and refused.

4.3.20 Therefore, the application has to be considered on the basis of the known facts contained in it. That is, the reserve school site is not within the application site area and not part of the master planned area. The BK3 specific policy does not require for the two parts of the site to be developed at the same point in time and given that the master planning process and the possible land swap option has been exhausted and at the same time the BK3 site has been left as an allocation in the emerging Local Plan, more material weight has to be given to the BK3 allocation policy over and above the master planning process. Therefore, an objection can be lodged against the application on the basis of not strictly complying with emerging Policy SP9, but in the balance of the application this is a small / low objection and no material weight is given to it to outweigh the delivery of 140 new homes which is considered to be a meaningful and material contribution to the Districts' housing supply. Therefore, no objection is lodged against the application on this basis.

### **Sustainability considerations**

4.3.21 The NPPF is underpinned by the principle that new development should be sustainable. This means considering new development in terms of economic (to help build a strong economy and ensuring that sufficient land of the right type is available to support growth), social (to support strong, vibrant and healthy communities) and environmental (to protect and enhance the natural, built and historic environment, making effective use of land, improving biodiversity and mitigation and adapting to climate change) objectives.

4.3.22 Looking at the specifics of this application, Barkway has been categorised as a category A village due to it having a primary school and bus route service. While most of North Herts has the 'two tier school' system, with primary education being nursery, reception and years 1 – 6 (a total of 8 years of primary education) the Royston area is operated under the 'three tier system' and at the time of allocation the school in Barkway was a first school. A first school provides primary education for nursery, reception and years 1 – 4 (a total of 6 years of primary education) with children then moving to a middle school for years 5, 6, 7 and 8 and a senior school for the remaining

years. Barkway school has now become federated with Barely school with one head teacher covering both schools. As a result, since September 2018 only the years of nursery, reception and year 1 are now being taught in Barkway, with years 2, 3 and 4 being taught at the school in Barley. Initially the children were mini-bused between the two school sites, but this stopped during the social distancing restrictions imposed during the Covid 19 pandemic and the school does not intend to re-start this system.

- 4.3.23 Barkway does not have a shop and since the site was allocated the bus service has also changed. The number 331 was stopped in summer 2018. The 331 bus service used to run either hourly (at peak times) or every other hour through the day Monday – Saturday and connected Barkway with Royston and Buntingford. This has been replaced with the no.18 bus. This still runs from Buntingford to Royston but with only six buses a day going north to Royston and only five going south to Buntingford in a day. In addition, there is the number 27 between Bishops Stortford and Royston with one bus in each direction each day. Barkway is also under the HCC dial-a-ride bus service scheme.
- 4.3.24 I note that many objections against the application are on the basis Barkway is considered not to be a sustainable location for a development of 140 homes nor a fair village for growth as the other four villages in the North Herts area that have been categorised as villages for growth in the emerging Local Plan (which are Codicote, Knebworth, Ickleford and Little Wymondley) all have a primary school up to and including year 6 and a range of shops and public transport links. Whilst I have sympathy to this view and note that it was on this basis that site BK3 was specifically discussed at the Local Plan EiP, by retaining the site as an allocation in the May 2021 Modifications it can be regarded that the Inspector has concluded that the allocation is sound and the site is retained in the emerging Local Plan as an allocation.
- 4.3.25 The policy requirement for the BK3 allocation, as set out above, includes the requirement for the provision of a convenience shop and the provision of land reserved for a primary school. This is an outline application, but within the red line application site the description of development states that a shop is to be provided (and a condition is recommended preventing this from being used for other uses within the E use class) and the land to the immediate south of the application site is land within the allocation area, owned by HCC and held as a reserve school site. On this basis, the proposal is considered to meet the criteria requirements for the allocation of BK3.
- 4.3.26 It is unfortunate that even with the recent housing development within Barkway and with this proposed site, the need for a new school on the reserve school site is not triggered. This is due to there already being surplus capacity within the Barkway and Barley schools. A new school on the reserved school site would help to integrate the development within the village as well as providing a fuller range of education within the village. However, the allocation criteria does not require for the school to be delivered alongside the housing and HCC have confirmed that they wish to retain the land in that location in case it is needed in the future. A refusal on the basis of the school site not being needed to be built at the same time as the housing could not be defended as the policy does not require for it to be.
- 4.3.27 Arguments can be put forward to defend the three objectives of sustainability as set out in the NPPF. With regards to an economic role, the building process will boost local employment opportunities, socially friendships will form between neighbours and new local residents can join existing village groups and environmentally the houses will be built with high levels of insulation and using low flow water fittings, efficient boilers, double glazing and each dwelling will be provided with an EV parking space. I note objections on the basis that future residents will drive to access supermarkets, shops, employment and services outside of the village. The SP2 Category A allocation

criteria requires for some local facilities and services to negate the need to travel for all trips out from the home. I accept that yes, future occupiers will generate vehicle trips from and to the site. However, this is the reality for all housing, even for sites within or on the edge of larger towns, and the result that some residents will need to travel for some trips is not justification to refuse the application when the emerging Local Plan process has considered site allocation, suitability and future sustainability as part of the allocation process. Therefore, on the basis of the site being allocated, and on the basis that the application is considered to comply with the policy criteria for BK3, no objection is raised against the application on the basis of sustainability.

### **Planning history**

4.3.28 Application 16/02759/1 proposed up to 100 houses on land off Royston Road, which was for two thirds of the land now proposed in this current application. The 2016 application was recommended for refusal for four reasons but was withdrawn before its determination at planning committee. These reasons were:

- 1. In the opinion of the Local Planning Authority due to the relatively isolated nature of this planning application site, separated from the main body of Barkway village by a reserved school site and indeed from any wider area development scheme between Royston Road and Cambridge Road, if developed in isolation a development scheme of up to 100 dwellings on this site would appear divorced from and poorly integrated with Barkway village. Such a piecemeal form of development would as a result harm the character and appearance of the locality. The proposal therefore conflicts with saved Policy 57 of the North Hertfordshire District Local Plan No. 2 - with Alterations, Policy D1 of North Hertfordshire Submission Local Plan (2011-2031) and paragraphs 57 and 64 of the National Planning Policy Framework.*
- 2. The piecemeal nature of the development proposal is not capable of delivering key objectives of proposed land allocation BK3, as set out in the North Hertfordshire District Submission Local Plan (2011-2031). As the site only covers part of the proposed land allocation it is not possible to explore possibilities for connecting Royston Road to Cambridge Road; No realistic proposals have been put forward in the application to secure the delivery and long term sustainability of the proposed convenience store; no improved pedestrian and cycle linkages are proposed outside the site. As a consequence the proposed development fails to take the opportunities available for improving the character and quality of an area and the way it functions. On this basis the proposed development fails to comply with site allocation Policy BK3 set out in the North Hertfordshire District Submission Local Plan (2011-2031) and paragraph 64 of the National Planning Policy Framework (NPPF).*
- 3. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) securing the provision of affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF).*

4. *The submitted and revised Flood Risk Assessment does not overcome the stated objections from the Lead Local Flood Authority as set out in their consultation response of 24 November 2016 to the local planning authority. As a consequence of the insufficient information contained in the applicants' submission the Lead Local Flood Authority has been unable to advise the local planning authority that sufficient flood mitigation measures can be designed and implemented in association with this development proposal.*

4.3.29 In my view this proposal overcomes the previous reasons for refusal and can be supported. With regards to reason 1, I consider that this reason is no longer applicable. The red line application site area now includes the land on the Cambridge Roadside so all of the housing and shop area can be considered as a comprehensive scheme. The BK3 allocation policy requires for the provision of land as a reserve school site, and this is provided on the south side. I accept that until the reserve school site is built out this area of land remaining undeveloped after the houses are developed will result in gap in the built form in the village. However, in my view this does not form a reason to object to the application due to the fact that the BK3 policy does not require for the two elements of the site to be built at the same time. Furthermore, this site will be built out at some point in time, and then this issue will not exist. Whilst this temporary gap in the built area of the village is not ideal, it does not form a reason for objection against the application that could be substantiated to justify the refusal of the application when the benefit of the delivery of 140 new homes is considered. On this basis, no objection is raised to this issue.

4.3.30 With regards to reason for refusal 2 of application 16/02759/1, the long term deliverability of the shop is a matter that can be fully addressed at the reserved matters stage by which time a shop operator can also become involved. The policy requirement for BK3 only requires for the provision of a convenience shop and not that it will be viable in the long term or not have harm on the viability of other shops in other villages. Therefore, the application meets this policy requirement.

4.3.31 Reason for refusal 3 states that the 2016 application had not been submitted with a valid S106 Legal Agreement. A S106 has been submitted with this application and is in the final stages of being prepared. This application is being recommended for conditional permission subject to the completion of the S106 Legal Agreement so this matter is now considered to be overcome.

4.3.32 Reason 4 from the 2016 application is no longer applicable and the Lead Local Flood Authority is recommending no objection subject to conditions which are recommended.

#### **Loss of agricultural land**

4.3.33 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

a) *Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with the statutory status of identified quality in the development plan).*

4.3.34 Agricultural land is graded by the Agricultural Land Classification (ALC) which grades land to assess and compare the quality of the agricultural land at national, regional and local levels. It assesses the potential for land to support different agricultural uses, such a growing crops for food and does not consider the land's current use. Land is

graded from 1 – 5 with Best and Most Versatile (BMV) agricultural land being land in the grades of 1, 2 and 3a. Grade 2 land (on the Natural England Guide to assessing development proposed on agricultural land) is land that is described as being: *“Land with minor limitations which affect crop yield, cultivation or harvesting. A wide range of agricultural and horticultural crops can usually be grown. On some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops, such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more viable than grade 1”*.

- 4.3.35 The application comprises grade 2 agricultural land and therefore is regarded as BMV land for agriculture. At 7.6 ha the site area is lower than the 20 ha threshold that would require Natural England to be consulted. It can be accepted that the loss of some high grade agricultural land will be necessary to achieve the District’s housing need, which cannot be met within existing urban areas. The context of the landscape is one of a wider agricultural landscape and the loss of this amount of agricultural land is considered to be proportionality acceptable. Therefore, I do not raise an objection to the loss of BMV land in this instance.

#### **Impact on the character of the village, Conservation Area and wider landscape**

- 4.3.36 Barkway can be described as a linear village, with the older part of the village being along the High Street on the B1368. All of this part of the village (excluding a few properties in Burrs Lane and Townsend Close) are within the Conservation Area. The newer part of Barkway, formed by Periwinkle Close and Windmill Close are to the south-west of the application site, but as two ‘spur roads’ off Royston Road, are not inconsistent with the linear form of the village.
- 4.3.37 I note that this application is outline with all matters reserved apart from access. The indicative plans show a modern style housing estate, with looping roads and small cul-de-sacs off the main ‘street’ through the proposed estate. Its form is circular and likely to be similar to the layout that will come forward under the reserved matters scheme.
- 4.3.38 It cannot be denied that the addition of 140 homes in this location on a slight hill and with a largely circular layout, will be visually apparent in the locality. However, the allocation of the site accepts that this will be the end result and during the reserved matters stage consideration will be given to layout and design issues as well as strategic landscaping to help to screen the development. The possible adverse impact of the built form in the locality cannot be given any weight in my view.
- 4.3.39 Section 16 of the NPPF requires for the conserving and enhancing of the historic environment with paragraph 202 stating that where development will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. The Conservation Area has linear form, and even though the layout of the new housing is likely to be ‘circular’, given the Conservation Area at its closest point is 200m to the south of the application site, I conclude that there will be no harm on the character of the Conservation Area as the northern point of the Conservation Area does not immediately join the south of the application site area and therefore this ‘test’ requirement of paragraph 202 is not applicable.
- 4.3.40 Lying to the north and north-west there are listed buildings within the grounds of Newsells Stud and the registered park of Cokenach. These listed buildings are not immediate neighbours to the application site edge, but are located some distance away and the Chiltern Ridge which is the high point on the north side of the application site forms a clear northern boundary to the site. As a result, I cannot conclude that there

would be harm on the context or setting or these listed buildings / heritage assets from the proposal.

### **Access and highways issues**

- 4.3.41 I have no objection to either of the proposed accesses, which Hertfordshire Highways raise no objection to subject to conditions and informatives which are recommended. The application also sets out that a new pavement would be provided along Royston Road on the side adjacent to the application site, and the pavement on Cambridge Road would be widened.

### **Layout**

- 4.3.42 It is noted that the application is outline but that an indicative layout is proposed. I have minor concern regarding the close proximity of some of the dwellings to important landscape features, including hedgerows and the trees along the bridle path. Emerging Policy NEx, supporting text paragraph 11.xx sets out that new developments are required to demonstrate how existing wildlife habitats such as trees and hedgerows will be retained, safeguarded and managed during and after development. It states that 'buffers' along these important landscape features may well be required, and in the event that they are, a 'buffer' should be a minimum of 12m of complementary habitat. The indicative site layout plan shows compliance by providing a 6m buffer on either side of this central hedgerow area, so a 12m buffer in total not 12m on each side. Full consideration of the layout will be undertaken at the reserved matters stage.

### **Ecology**

- 4.3.43 Within section 15, Conserving and Enhancing the natural environment, the NPPF sets out that new development should minimise impacts on and provide net gains for biodiversity. This aspiration was made law in Autumn 2021 by The Environment Act which sets binding targets for air quality, biodiversity and waste reduction. For biodiversity the long-term target is that the species abundance indicators are increased by 10%. There is currently a two year transition period while secondary legislation is passed to make these targets mandatory. Under the provisions of the emerging Local Plan, emerging Policy NEx states that all developments should seek to deliver net gains for biodiversity.

- 4.3.44 A Biodiversity Net Gain Design Stage Report dated March 2022 has been submitted in support to address this issue. This report, under part 7 states:

*"..the metric calculation currently indicates a net change of 0.02 non-linear habitat units, a net gain of 1.05% and a net change of 2.58 linear habitat units, a net gain of 57.95%. Therefore, non-linear habitats fall short of the desired 10% gain.*

*However, whilst 10% should be an aspiration for BNG the recent Malmesbury Appeal Decisions (The Planning Inspectorate, 2022) held that although The Environment Act 2021 has now passed, secondary legislation is required for it to be implemented. Therefore, the 10% biodiversity net gain requirement set out in the Act is not yet law and is not applicable. The North Hertfordshire District Council Local Plan and Paragraph 174 of the Framework both seek a net gain in biodiversity without identifying a specific percentage. A net gain of 1% was held to be compliant in the Malmesbury Appeal Case".*

- 4.3.45 Therefore, this proposal which will provide a 1% net gain in biodiversity for non-linear habitats and a net gain of 58% for linear habitats and can be considered to be policy compliant at this current point in time prior to the 10% biodiversity net gain becoming

mandatory, as a net gain is achieved overall so no objection is raised on the basis of biodiversity.

### Technical objections

4.3.46 The NPPF, paragraph 83, sets out the Government's support for the rural economy and paragraph 84 states that development should be sensitive to its surroundings. As set out under the Newsells comments above, Newsells are a large local business, and are the largest local employer in the area employing around 35 staff.

4.3.47 I note Newsells overall objections. In summary they are concerned that the housing development in close proximity to their best fields could result in some of their land not being able to be used or foals getting hurt in paddock accidents that then affect their viability as a rural businesses. The application has attempted to mitigate this harm by showing a 15m wide landscape buffer along the northern edge of the application site in the indicative plans. I note that Newsells' state that this is not a wide enough buffer. Again due this being an outline application this matter, regarding the depth of the buffer and the strategic landscaping of the site are issues that will be considered at the next stage and no objection can be substantiated against the application on this basis.

4.3.48 I note that concern is also raised about those walking in the countryside through the Newsells estate not having dogs on leads or trying to feed or pet the foals. I note Newsells concern that whilst this could happen now, the likelihood of this would increase following the increased number of houses and population living close to their land. Whilst I have sympathy with this concern, this is a matter outside the scope of the application and Newsells are entitled to erect signage on their own land stating do not feed or pet the horses.

4.3.49 Neighbour's have objected on the basis that they consider the introduction of street lights along the Chiltern Ridge would be contrary to the character of the countryside and the setting of the Chiltern Ridge in this location. Technical details such as landscaping and lighting, which will be able to help to mitigate against such impacts / concerns, will be considered at the reserved matters stage.

4.3.50 Concern has been raised to the width and possible works to the existing bridleway that crosses the site. Again, this is an issue that would be taken into account at the reserved matters stage.

### Planning Obligations

4.3.51 The applicant has agreed to pay the following contributions and a S106 Legal Agreement has been submitted and is well progressed. In the event that Members wish to approve this application, I recommend that such a resolution would be subject to the completion of the S106 Legal Agreement. The terms of which are:

Element	Details	Justification
Affordable housing	40% affordable housing. 56 units. This should be 65% rented (36 units) and 35% other intermediate tenure (20 units). Based on the SHMA the best mix to meet this is: Rented:	Policy HS2 of the North Hertfordshire Submission Local Plan (2011 – 2031).  Planning Obligations SPD  As required by the Housing

	<p>1 bed flats (6)  1 bed bungalows M4(3)  standard (2)  2 bed flats (4)  2 bed bungalow M4(3)  standard (1)  2 bed houses (10)  3 bed bungalow M4(3)  standard (2)  3 bed houses (9)  4 bed houses. (2)</p> <p>Intermediate:  1 bed flats (2)  2 bed bungalow (1)  2 bed houses (6)  3 bed houses (9)  4 bed houses (2)  (Unit size is not known and flats are not shown on the indicative layout plan. This may change in the event of a reserved matters application).</p>	Enabling Officer
To support the building of a single court community sports hall via Barkway Parish Council	<p>Play Space - £93,903.01;  Pitch Sport - £46,317.04;  Open space - £50,758.40;  Community Halls - £59,641.12;  Leisure - £98,745.61  As these figures are all for one project they can be stated as one contribution of £349,365.18.  (All figures need to be indexed linked)</p>	Planning Obligations SPD
Waste collection and re-cycling	£71 per dwelling. (Figures need to be indexed linked).	Planning Obligations SPD
HCC First School Education	No contribution required as sufficient local capacity.	
HCC Middle and Upper School Education	<p>£1,318,092.00 (indexed linked to 1Q2020 BICS ALL in TPI) towards the expansion of King James Academy, Royston.  £697,297.00 middle and £620,794.00 upper education.  Revised trigger has been agreed for this contribution.</p>	HCC Guide and Planning Obligations SPD
HCC Library Service	£12,898.00 towards enhancements works at Royston Library (figures to be indexed linked)	HCC Guide and Planning Obligations SPD
HCC Youth Services	£34,312.00 towards increasing capacity at Royston Young People's	HCC Guide and Planning Obligations SPD

	Centre. (figures to be indexed linked)	
HCC SEND	£146,712.00 towards the EAST Severe Learning Difficulty school (figures to be indexed linked).	HCC Guide
HCC requirement	Provision of fire hydrants across the site.	HCC Guide
HCC Highways	£139,250.00 for sustainable transport. (figures to be indexed linked).	Planning Obligations SPD and requirement of HCC Highways.
Open Space	Delivery, phasing, creation and long term management and maintenance arrangements for on site open space	Planning Obligations SPD and Policy SP9 of the Emerging Local Plan

### **Barkway and Nuthampstead Neighbourhood Plan**

4.3.52 This is in the early stages of being produced. To date the Neighbourhood Plan has not been 'made'. It therefore does not hold any weight in the consideration of this application.

### **Planning balance and conclusion**

4.3.53 The application is recommended for conditional planning permission, subject to the completion of the S106 legal agreement, for the primary reason that it is an allocated housing site in the emerging Local Plan. The concerns that the site was no longer sufficiently sustainable due to the federation of the first school and the reduction in the bus service, and the site should be removed as an allocation from the plan were discussed at the EiP and these objections were not supported as the site was retained as an allocation in the updated Local Plan Modifications received in May 2021. On this basis, there is no objection to the principle of residential development of up to 140 homes on this site.

4.3.54 Under the provisions of the Local Plan 1996 the site is outside of the settlement boundary area and contrary to the provisions of Saved Policy 6. However, the NPPF, paragraph 11(d) requires for the 'tilted balance' in favour of granting planning permission for sustainable new residential development in situations where the local plan is out of date. The Council is currently unable to demonstrate a five year housing land supply, with less than 1.47 years currently available, and therefore the delivery of 140 homes, which is a material contribution to the housing figures in the District, on a site on the edge of a Category A village where there is a first school, a public house and some public transport options available locally, is in accordance with the aims of the NPPF with the application of the 'tilted balance' in favour of granting planning permission for new housing in such locations.

4.3.55 The application is in outline, apart from access, and consideration will be given at the reserved matters stage to layout, design, external materials, parking, bin storage, lighting and landscaping to ensure that the final built development will have an acceptable appearance in the context of the locality. Therefore, no objection can be lodged against this application for these reasons.

- 4.3.56 It is noted that the reserve school site forms part of the allocation land area but is outside of the red line application site area and ownership of the applicant. Whilst it is not ideal for this area to be left undeveloped as it is on the south/village side of the allocation area, the criteria for BK3 does not specify in which land areas the uses should go nor that the school and houses have to be delivered at the same time, only that within the allocation the reserve school site should be provided for, which it is. On this basis there is no ability to object to the application.
- 4.3.57 For the above key reasons the application is considered to be acceptable and to comply with the provisions of the NPPF and the emerging Local Plan and is recommended for conditional permission, subject to the completion of the S106 legal agreement.

### **List of appendices**

- Appendix 1 – Barkway Parish Council 2022 objection response.  
Appendix 2 – NHDC Housing Officer comments.  
Appendix 3 – NHDC Policy Officer comments.  
Appendix 4 – Master planning note from Local Plans Manager.

## 5.0 **Legal Implications**

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

## 6.0 **Recommendation**

- 6.1 That planning permission be **GRANTED** subject to:

- a) receiving a response of no objection from Herts Ecology;
- b) the completion of the S106 legal agreement; and
- c) the following conditions:

1. Before the development hereby permitted is commenced, approval of the details of the siting, design and external appearance of the development, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

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

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

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

3. The development hereby permitted shall be carried out wholly in accordance with the

details specified in the application and supporting, approved documents and plans, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

4. The landscape details to be submitted as reserved matters shall include the following:

a) which, if any, of the existing vegetation is to be removed and which is to be retained

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed

d) details of any earthworks and / or levels changes;

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

5. 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.

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

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

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

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

8. Prior to occupation, each dwelling shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained.

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.

9. No development shall be occupied until confirmation has been provided that either:- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

10. A 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 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 set out within the Archaeological Written Scheme of 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: To protect the historic environment.

11. Prior to the first occupation of the development hereby permitted the access and principal access road offset from the Royston Road (west access) shall be provided

6.0 metres wide complete with 10 radius kerbs and 2.0 m footway extended around the radii onto Royston Road, thereafter the accesses roads and footways shall be retained at the position shown on the approved site layout plan number 163462-006 revision A

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 highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

12. Prior to the first occupation of the development hereby permitted the access and principal access road offset from the Cambridge Road (east access) shall be provided 6.0 metres wide complete with 12 radius kerbs and 2.0 m footway extended around the radii and along Cambridge Road, thereafter the accesses roads and footways shall be retained at the position shown on the approved site layout plan number 163462-007 revision A in conjunction with footway connections and associated works shown on drawing number 163462-004 revision B and the Royston Road Crossing junction improvements identified on drawing number 163462-002 revision A.

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 highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

13. Prior to occupation a system of footways shall be provided to connect the new development with the existing bus stops in Royston Road as part of the application. These will need to be connected to the development's footpaths and easy access kerbs and shelters should be provided as appropriate. The exact location and accommodating works will need to be agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the s278 access works.  
Reason: In order to meet accessibility requirements for passenger services for the development in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

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

14. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 70 metres to both directions along the Royston Road shall be provided to each side of the access where it meets the highway as identified on the approved site layout plan number 163462-006 revision A and such splays shall always thereafter be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

15. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 90 metres to the south westerly direction and 2.4 metres x 215 metres to the north easterly direction shall be provided along the Cambridge

Road to each side of the access where it meets the highway as identified on the approved site layout plan number 163462-007 revision A and such splays shall always thereafter be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

16. Prior to the commencement of development details of the redundant points of access to the site from Cambridge Road and Royston Road and reinstatement of the verge or/and footways where relevant shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and permanently retained.

Reason: To provide safe and accessible linkages for pedestrians and cyclists and to confine vehicle movements to the permitted points of access in accordance with Policy 5 of Hertfordshire's Local Transport Plan .

17. Prior to the commencement of the development hereby permitted full details in the form of scaled plans and written specifications shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:

- I. Roads, footways, foul and on-site water drainage.
- II. Proposed access arrangements including, accurate radius kerbs at the main access to the site, visibility splays, with acceptable Stage 1 Road Safety Audit;
- III. Servicing areas, loading areas and turning areas for all vehicles.

Reason: To ensure satisfactory access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

18. The gradient of the access roads shall not exceed 1:20 as measured from the existing carriageway.

Reason: To ensure satisfactory access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

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

The Construction Management Plan of:

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

activities;

i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan

20. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Ardent Consulting reference 163461-02a dated June 2018. The surface water drainage scheme should include;

1. Implementation of the appropriate drainage strategy based on infiltration into using appropriate above ground SuDS measures and indicated on Surface Water Drainage drawing.

2. Provision of storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event. The mitigation measures shall be fully implemented prior to full site occupation and 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.

21. Before each phase of development approved by this planning permission no development of that phase shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Ardent Consulting reference 163461-02a dated June 2018.

The scheme shall also include;

1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

2. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event for the whole site.

3. All calculations/modelling and drain down times for all storage features.

4. Confirmation of which SuDS features will be infiltrating and specific infiltration rates for each feature.

5. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.

6. Silt traps for protection for any residual tanked elements.

7. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.

8. Details of final exceedance routes, including those for an event which exceeds to 1:100 + climate change rainfall event.

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

22. Upon completion of the drainage works for each phase in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.

The plan shall include;

1. Provision of complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
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.

23. Despite the provisions of the Use Classes Order 2020 the 'shop use' hereby permitted shall be used for convenience type shopping and for no other use within the E class category unless planning permission for a change of use is first obtained from the LPA.

Reason: It is a requirement of the BK3 emerging Local Plan policy that a 'shop' is provided within the BK3 allocation area.

24. Prior to the commencement of the development hereby permitted, a detailed development phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of each phase of the development, in terms of sequencing and infrastructure delivery, land use implementation plan including a clear plan for the delivery and long term retention of the proposed convenience retail store. The proposed development shall thereafter be carried out in complete accordance with the approved details and particulars of the phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To ensure the proper planning and phasing of the development in the interest of good planning and implementation and to ensure the delivery of the convenience store in a timely manner in relation to the wider housing development in accordance with the terms of Policy SP9 of the Emerging North Hertfordshire Local Plan (2011-2031).

**Proactive Statement:**

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

**Informative/s:**

1. Thames Water Informative:

1. The developer can request information to support the discharge of this condition by visiting the Thames Water website at Development Planning Department (telephone 0203 577 9998) prior to the planning application approval. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with

Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

2. EV CHARGING POINT SPECIFICATION INFORMATIVE:

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

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

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

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

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

3. Highways Informatives:

1. Through the planning process Hertfordshire County Council would recommend that a financial contribution is provided by developers toward an integrated transport scheme to mitigate the incremental increase in traffic impact from developments and maximise the sustainability of the site in transport terms where safety and passenger transport improvements would then be delivered in order of need.

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

- (i) Necessary to make the development acceptable in planning terms.

- (ii) Directly related to the development;

The new residents of the development will have an additional impact upon local services.

- (iii) Fairly and reasonable related in scale and kind to the development.

The above financial contribution has been based on the HCC Financial Obligations Toolkit towards bus service improvements realising for 140 dwellings = £139,250 (see

table below) for the sustainable transport contribution.

The toolkit specifies the following breakdown in costs related to the proposed development: estimated tenure as follows;

- o 1 bedroom dwellings: £625/dwelling (14 x £750=£8,750)
- o 2 bedroom dwellings: £750/dwelling (49 x £750=£36,750)
- o 3-bedroom dwellings: £1125/dwelling (58 x £1125=£65,250) and:
- o 4-bedroom dwellings: £1500/dwelling (19 x £1500=£28,500)

This approach is consistent and relate to the scale and impact of development.

The sustainable contribution means the sum of one hundred and seventy six thousand and two hundred and fifty pounds (£139,250) (Index Linked) as a contribution towards the upgrading to DDA standards for the improvements to the closest bus stop along Cambridge Road (plated as Village Hall) shall be upgraded to include raised Kassel kerbing and a bus shelters and two further stops along Royston Road (plated as Windmill Close) shall be upgraded to include raised Kassel kerbing, installed to the Highway Authority's satisfaction. The items at the stops that are in need of improvement: Bench approx 1x£8000, Shelter approx 1x£8000, Kessel kerbs approx 3x£8000  
Totalling £40,000 for bus stop improvements, these works shall be secured through the s106 agreement.

This financial contribution would also be in respect of public transport initiatives such as Demand Responsive Transport [DRT] service in the area to encourage users of the Development to travel to and from the Development by means of transport other than the private car, this would enable the development site be served by bus services when and where is needed therefore, the bus service contribution would last longer and residents would benefit more from bus services, a financial contribution of £100, 000 has been calculated in similar development, (Royston Briars Lane) in consultation with the HCC Transport, Access and Safety Team to determine financial contributions towards improved bus services and facilities to provide a DRT to serve the development which the County Council determines will contribute to the improvement of highway conditions on parts of the network affected by traffic associated with the Development shall be secured through the s106 agreement

2. HCC recommends inclusion of the following highway informative to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011).

3. 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.

4. Lead Local Flood Authority Informatives:

1. The site is located within a source protection zone, therefore we would advise the LPA is consult the Environment Agency for any requirements they may have in relation to water quality.

2. As this is a greenfield site, we would not accept the use of below ground attenuation features. At detail design stage we would expect above ground measures such as permeable paving, swales etc. could be used on impermeable sites and utilised within green space and areas of landscaping. Prioritising above ground methods and providing source control measures can ensure that surface water run-off can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.

3. We would strongly recommend that soakaways serving multiple properties should not be located within private curtilage. There is a high uncertainty that individual house owners will have the means to undertake the maintenance required by drainage features within their property. As the drainage system is serving more than one property, the lack of maintenance would affect several properties.