NORTH HERTFORDSHIRE DISTRICT COUNCIL

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To: Anne McDonald

From: Nigel Smith

File No: 18/01502/OP

Re Land between Royston Road and Cambridge Road, Barkway

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 with associated public open space, landscaping and drainage.

1. The case officer has requested policy comments specifically in relation to draft Policy SP9 of the emerging North Hertfordshire Local Plan 2011-2031 ('Policy SP9'). Other policy matters such as general principles relating to the development or requirements relating to (e.g.) affordable housing are not discussed other than where they necessarily overlap with the interpretation of Policy SP9.

2. The weight to be given to these comments and Policy SP9 should accord with advice in Paragraph 48 of the National Planning Policy Framework (NPPF, July 2021) on emerging plans. At the time of writing, the Council is awaiting publication of the Inspector's final report into the examination of the Local Plan. This may be received prior to the determination of the application and this should be considered as relevant / required.

3. Any references to criteria, paragraphs etc. in the Plan are as shown in the May 2021 illustrative working version of the Local Plan on the Council website. These may change in any final version of the plan to ensure the document reads sequentially and sensibly.

General application of Policy SP9

4. Policy SP9 is the emerging Plan's strategic policy on Design and Sustainability. Through the examination process, the Council has proposed significant changes to this draft policy when compared to the version that was submitted for examination in 2017 and that was in effect when this application was submitted in 2018.

5. Significant alterations and additions to Policy SP9 were proposed by the Council and considered by the examining Inspector during the re-opened hearing sessions that took place in 2020/21. Proposed alterations to the policy were including in the Further Proposed Modifications to the Plan that were approved for consultation by Cabinet in March 2021 and subject to public consultation in June / July 2021.

6. In summary, these introduce a requirement on certain developments for *Strategic Masterplans to be produced in collaboration with the council and subject to consultation*

with key stakeholders and the community. In relation to this application, this requirement applies to 'significant development' which *generally comprises residential development above 100 dwellings*.

7. Policy SP9 encourages the production of Strategic Masterplans at pre-application stage, including agreeing their scope with the Council. However, it is also pragmatic in allowing for submitted planning applications to proceed: *Where applications have already been submitted to the Council a Strategic Masterplan should be agreed prior to the or as part of the grant of planning permission.*

8. This application was submitted before the current provisions and requirements of Policy SP9 were introduced as proposed modifications to the local plan and before the Council was applying material weight to the emerging policy in its current form. As such there was no ability to confirm the scope and contents of the Strategic Masterplan in pre-application discussions. The relevant policy provision for the application is therefore as shown in Paragraph 8 above.

9. From March 2021 onwards the applicant has positively engaged with the council to a) confirm the scope and contents of a Strategic Masterplan and b) work collaboratively to prepare and agree a Strategic Masterplan.

10. Policy comments on the compliance on the (then current) application plans and supporting material against Policy SP9 were provided to the applicant in February 2022. These are available on the case file. In response, the applicant submitted amended plans and documents between March 2022 and July 2022. This includes a series of updated parameter plans and a Masterplan Summary Report. Consultation *with key stakeholders and the community* on these amended plans and documents took place over the late spring and summer of 2022.

11. In terms of general process, I therefore consider the application complies with the relevant provisions of Policy SP9 outlined above.

The application / masterplan boundary

12. The application boundary, and therefore the extent of the submitted masterplan material, coincides with the boundary of proposed Local Plan site BK3 as it was submitted to the examination in 2017. Similarly to Policy SP9, this allocation policy has been subject to proposed changes through the course of the examination.

13. At the time of writing these comments, the proposed BK3 allocation boundary has been expanded to include the adjoining reserve school site. This land is in the ownership of Hertfordshire County Council (HCC) but, on the ground, presently forms part of the same field that makes up the western part of BK3 with no clear distinction between the landholdings on the ground.

14. For Strategic Housing Sites – defined as those sites proposed in the Local Plan for 500 homes or more – there is an emerging policy requirement for Strategic Masterplans to be prepared *for the entire allocation*. However, this requirement is <u>not</u> replicated for significant development. Paragraph 4.116 of the supporting text to Policy SP9 recognises that:

    The policy has to apply to a wide range of developments in terms of quantum, scale and complexity. The policy should be applied in its entirety to the Strategic Housing

Sites but for other significant development a tailored and case-by-case approach will be required to identify a proportionate level of masterplan and design detail to secure design quality dependant on site specific issues and the level of detail submitted with any planning application

15. Clearly, the preferable approach would be for a masterplan covering the entirety of the BK3 allocation. The potential gap / separation created by the reserve school site was a key issue in considering a previous application on this site. The currently unresolved status of this land is a challenge. However, HCC have made clear they do not wish to take part in a joint masterplanning exercise with the applicant and the Council has no particular planning powers to compel this to happen.

16. Procedural guidance on the approval of masterplans was agreed by the Council's Strategic Sites and Masterplanning Project Board in March 2022 and endorsed by Cabinet in June 2022. This says, at Paragraph 1.15 (emphasis added):

    Agreement of a Strategic Masterplan "…as part of the grant of planning permission…" will normally only be appropriate where:
    - *The application boundary is contiguous with (or otherwise covers the entirety of) the relevant Local Plan allocation boundaries; and /* ***or;***
    - ***It has been agreed that the application boundary is also the most appropriate Strategic Masterplan boundary.***

17. In this instance it is considered that determination of this planning application cannot reasonably be held in abeyance due to an unwilling neighbouring landowner. It is therefore necessary for the masterplan material for the current application to address these and other, site-specific issues to the best of its ability to demonstrate *proportionate* compliance with Policy SP9.

18. A masterplan coterminous with the current application boundary is presently considered the best achievable outcome and, in my view, is therefore the most appropriate application of Policy SP9 requirements at this time.

19. I consider the spatial extent of the masterplan to be consistent with Policy SP9.

Masterplan Summary Report and associated parameter plans

20. As set out above, the culmination of the applicant's work in response to the changing requirements of Policy SP9 is the March 2022 Masterplan Summary Report. This document incorporates and cross-references a series of revised and updated parameter plans that have also been submitted in their own right.

21. Public consultation letters were sent on 23 May 2022 with an 8 June deadline. Following the receipt of further updated information, a further public consultation was issued running from 8 July to 31 July 2022. Any responses to these consultations regarding the Masterplan Summary Report and associated parameter plans should be taken into account by the case officer in reaching any recommendation.

22. Alongside the summary report, the applicant also submitted a commentary on the Council's February 2022 assessment detailing how the plans had been amended in response. This provides a clear and helpful audit trail of how proposals for the site have evolved and been amended in response to Policy SP9.

23. Detailed comments on the amended plans and material are set out in the attached, updated SP9 Design Assessment. The comments identify some queries and clarifications. Some of these – such as clarifying the Biodiversity Net Gain calculation against the current proposed approval plans and the compatibility of the site's proposals for BNG, public open space and SUDs – are more substantive while others are relatively minor or cosmetic.

24. However, this is an outline application with all matters other than access reserved. It is therefore not the purpose of this current planning application to resolve all of the matters identified in full or develop or agree detailed designs or solutions. Subject to any feedback from relevant consultees as well as appropriate mechanisms (such as conditions) to allow for further reconciliation of the green infrastructure points, I consider the Masterplan Summary Report and associated parameter plans represent an appropriate and proportionate response to the requirements of Policy SP9.

25. The amendments to the scheme proactively address a number of the detailed aims and objectives of the policy and the comments provided by the Council. The documentation and parameters provide an appropriate framework against which future reserved matters can be judged and outstanding issues resolved.

26. Paragraph 1.24 of the procedural guidance referenced above recognises that *the assessment of the masterplan will form one part of a rounded consideration of application against the Development Plan and any relevant material considerations*.

Conclusion

The revised application material represents an appropriate response to the requirements of Policy SP9 in terms of process, spatial extent and content.

The masterplan summary report and parameter plans should be appropriately secured by condition(s) to any permission to ensure a policy-compliant framework against which any future reserved matters can be assessed.